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Attorneys for PLAINTIFFS
(Additional attorneys listed on following page)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SONYA RENEE *et al.*,

Plaintiffs,

v.

MARGARET SPELLINGS, in her official capacity;
UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**DECLARATIONS IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Time: 9:00 a.m.
Date: April 23, 2008
Courtroom: 3, 17th floor

1 PATRICK THOMPSON (SBN 160804)
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3 ELIZABETH F. STONE (SBN 239285)
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INDEX OF DECLARATIONS

1. Declaration of Tara Kini in Support of Plaintiffs' Motion for Summary Judgment
2. Declaration of Dr. Patrick Shields in Support of Plaintiffs' Motion for Summary Judgment
3. Declaration of Derecka Mehrens in Support of Plaintiffs' Motion for Summary Judgment
4. Declaration of Solomon Rivera in Support of Plaintiffs' Motion for Summary Judgment
5. Declaration of Sonya Renee in Support of Plaintiffs' Motion for Summary Judgment
6. Declaration of Maribel Heredia in Support of Plaintiffs' Motion for Summary Judgment
7. Declaration of N. Doe in Support of Plaintiffs' Motion for Summary Judgment
[Redacted]
*Original submitted to court under seal
8. Declaration of Mariel Rubio in Support of Plaintiffs' Motion for Summary Judgment
9. Declaration of Guadalupe González in Support of Plaintiffs' Motion for Summary Judgment
10. Declaration of Jazmine Johnson in Support of Plaintiffs' Motion for Summary Judgment
11. Declaration of Adriana Ramirez in Support of Plaintiffs' Motion for Summary Judgment
12. Declaration of Jane Doe in Support of Plaintiffs' Motion for Summary Judgment
[Redacted]
*Original submitted to court under seal

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NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SONYA RENEE *et al.*,

Plaintiffs,

v.

MARGARET SPELLINGS, in her official capacity;
UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**DECLARATION OF TARA KINI IN
SUPPORT OF PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

Time: 9:00 AM
Date: January 30, 2008
Court: Courtroom 3, 17th Floor

1 PATRICK THOMPSON (SBN 160804)
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DECLARATION OF TARA KINI

I, Tara Kini, hereby declare:

1. I am an attorney admitted to practice in California, employed as an attorney by Public Advocates, Inc., and counsel for plaintiffs. I make this declaration on my own personal knowledge in support of Plaintiffs' motion for summary judgment, and if called as a witness, I am competent to testify to the matters set forth in this declaration.

2. Attached to Plaintiffs' Motion for Summary Judgment as **Exhibit 1** is a true and correct copy of a Letter from Margaret Spellings to Chief State School Officers, dated October 21, 2005, downloaded from the website of the United States Department of Education and available at <http://www.ed.gov/policy/elsec/guid/secletter/051021.html>. Attached to Plaintiffs' Motion for Summary Judgment as **Exhibit 15** is a true and correct copy of a Letter from Margaret Spellings to Chief State School Officers, dated July 23, 2007, downloaded from the website of the United States Department of Education and available at <http://www.ed.gov/policy/elsec/guid/secletter/070723.html>. These documents both bear the electronic signature of Secretary Spellings and may properly be considered public records (*see* FED. R. EVID. 902, 1005).

3. Attached to Plaintiffs' Motion for Summary Judgment as Exhibits 2-10 and Exhibit 16 are true and correct copies of data summaries printed out from the website of the California Department of Education, which maintains a database known as "Dataquest," *available at* <http://dq.cde.ca.gov/dataquest/>. The CDE annually collects student and staff data from school districts across the state for input into the CBEDS database. (*See generally* www.cde.ca.gov/ds/sd/cb/.) The CDE "certifies" the data it receives from districts prior to publishing it online and making it available to the public, the media, researchers and policymakers. Certification "indicates that the information collected was edited and reviewed by CDE staff, corrected if needed, and where feasible, verified by the original data provider." (www.cde.ca.gov/ds/si/ds/certpolicy.asp.) These data compilations may properly be considered public records (*see* FED. R. EVID. 902, 1005).

1 4. Attached to Plaintiffs' Motion for Summary Judgment as **Exhibit 2** are true and correct
2 copies of the following data summaries: (1) Teacher Credential and Experience Report (with school
3 data) for Los Angeles Unified School District (LAUSD) for the 2006-2007 school year; (2) School
4 Enrollment by Ethnicity for George Washington Preparatory High School in the LAUSD for the 2006-
5 2007 school year; and (3) Free and Reduced Price Lunch Enrollment for George Washington
6 Preparatory High School in the LAUSD for the 2006-2007 school year.

7 5. Attached to Plaintiffs' Motion for Summary Judgment as **Exhibit 3** are true and correct
8 copies of the following data summaries: (1) Teacher Credential and Experience Report (with school
9 data) for Hayward Unified School District (HUSD) for the 2006-2007 school year; (2) School
10 Enrollment by Ethnicity for Longwood Elementary School in the HUSD for the 2006-2007 school
11 year; and (3) Free and Reduced Price Lunch Enrollment for Longwood Elementary School in the
12 HUSD for the 2006-2007 school year.

13 6. Attached to Plaintiffs' Motion for Summary Judgment as **Exhibit 4** are true and correct
14 copies of the following data summaries: (1) Teacher Credential and Experience Report (with school
15 data) for Centinela Valley Union High School District (CVUHSD) for the 2006-2007 school year; (2)
16 School Enrollment by Ethnicity for Hawthorne High School in the CVUHSD for the 2006-2007
17 school year; and (3) Free and Reduced Price Lunch Enrollment for Hawthorne High School in the
18 CVUHSD for the 2006-2007 school year.

19 7. Attached to Plaintiffs' Motion for Summary Judgment as **Exhibit 5** are true and correct
20 copies of the following data summaries: (1) Teacher Credential and Experience Report (with school
21 data) for Centinela Valley Union High School District (CVUHSD) for the 2006-2007 school year; (2)
22 School Enrollment by Ethnicity for Lawndale High School in the CVUHSD for the 2006-2007 school
23 year; and (3) Free and Reduced Price Lunch Enrollment for Lawndale High School in the CVUHSD
24 for the 2006-2007 school year.

25 8. Attached to Plaintiffs' Motion for Summary Judgment as **Exhibit 6** are true and correct
26 copies of the following data summaries: (1) Teacher Credential and Experience Report (with school
27

1 data) for LAUSD for the 2006-2007 school year; (2) School Enrollment by Ethnicity for Thomas
2 Jefferson Senior High School in the LAUSD for the 2006-2007 school year; and (3) Free and Reduced
3 Price Lunch Enrollment for Jefferson High School in the LAUSD for the 2006-2007 school year.

4 9. Attached to Plaintiffs' Motion for Summary Judgment as **Exhibit 7** are true and correct
5 copies of the following data summaries: (1) Teacher Credential and Experience Report (with school
6 data) for West Contra Costa Unified School District (WCCUSD) for the 2006-2007 school year; (2)
7 School Enrollment by Ethnicity for Richmond High School in the WCCUSD for the 2006-2007 school
8 year; and (3) Free and Reduced Price Lunch Enrollment for Richmond High School in the WCCUSD
9 for the 2006-2007 school year.

10 10. Attached to Plaintiffs' Motion for Summary Judgment as **Exhibit 8** is a true and correct
11 copy of Dataquest's Teacher Credential and Experience Report (with school data) for Oakland Unified
12 School District for the 2006-2007 school year.

13 11. Attached to Plaintiffs' Motion for Summary Judgment as **Exhibit 9** is a true and correct
14 copy of Dataquest's Teacher Credential and Experience Report (with school data) for East Side Union
15 High School District for the 2006-2007 school year.

16 12. Attached to Plaintiffs' Motion for Summary Judgment as **Exhibit 11** is a true and correct
17 copy of Dataquest's Teacher Credential and Experience Report (State Summary) for the 2001-2002
18 school year.

19 13. Attached to Plaintiffs' Motion for Summary Judgment as **Exhibit 12** is a true and correct
20 copy of Dataquest's Teacher Credential and Experience Report (State Summary) for the 2006-2007
21 school year.

22 14. Attached to Plaintiffs' Motion for Summary Judgment as **Exhibit 16** are true and correct
23 copies of the following data summaries: (1) School Enrollment by Ethnicity for Oakland Technical
24 High School in the Oakland Unified School District (OUSD) for the 2006-2007 school year; and (2)
25 Free and Reduced Price Lunch Enrollment for Oakland Technical High School in the OUSD for the
26 2006-2007 school year.

1 15. Attached to Plaintiffs' Motion for Summary Judgment as **Exhibit 10** is a true and correct
2 copy of an informational webpage downloaded from the website of the California Commission on
3 Teacher Credentialing (CCTC) at www.ctc.ca.gov, on January 15, 2008, entitled "California
4 Internship Teacher Preparation: Frequently Asked Questions." This web page may properly be
5 considered an official publication of the CCTC (*see* FED. R. EVID. 902(5)).

6 16. Attached to Plaintiffs' Motion for Summary Judgment as **Exhibit 13** is a true and correct
7 copy of Chapter 4 of *Teaching and California's Future; The Status of the Teaching Profession 2005*,
8 *Full Report*, downloaded from the website of Center for the Future of Teaching and Learning, at
9 <http://www.cftl.org/documents/2005/stp05fullreport.pdf>. Chapter 4 is entitled "Filling the Gap
10 Between Teacher Supply and Demand." This report and its data are authenticated in the Declaration
11 of Dr. Patrick Shields, who served as the Principal Investigator for this report.

12 17. Attached to Plaintiffs' Motion for Summary Judgment as **Exhibit 14** is a true and correct
13 copy of *Teaching and California's Future; The Status of the Teaching Profession 2007, Full Report*,
14 downloaded from the website of Center for the Future of Teaching and Learning, at
15 <http://www.cftl.org/documents/2007/tcf07/TCFReport2007.pdf>. This report and its data are
16 authenticated in the Declaration of Dr. Patrick Shields, who served as the Principal Investigator for
17 this report.

18 18. I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct.

20
21 Dated: January 18, 2008

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TARA KINI

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21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
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24 SONYA RENEE *et al.*,

25 Plaintiffs,

26 v.

27 MARGARET SPELLINGS, in her official capacity;
28 UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**DECLARATION OF DR. PATRICK
SHIELDS IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Time: 9:00 a.m.
Date: April 23, 2008
Court: Courtroom 3, 17th Floor

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DECLARATION OF DR. PATRICK SHIELDS

I, Dr. Patrick Shields, hereby declare:

1. The matters set forth herein are based upon my own personal knowledge, except where stated to be based upon information and belief, and if called to testify, I could and would do so competently as follows:

2. I submit this declaration in support of the facts set forth in Plaintiffs' Motion for Summary Judgment and supporting papers concerning the distribution of intern teachers in California.

3. I earned a Ph.D. in Educational Policy Analysis from Stanford University in 1988. Prior to that, I earned an M.A. in Educational Administration from Columbia University in 1982 and a B.A. in Romance Languages and Literature from Amherst College in 1978.

4. Currently, I am the Director of the Center for Education Policy and Program Manager for School Reform at SRI International. SRI International (founded as Stanford Research Institute in 1946 by the trustees of Stanford University) is an independent, nonprofit research institute conducting research and development for government agencies, commercial businesses, foundations, and other organizations.

5. My training, and the focus of my career over the last two decades, has been educational policy analysis, particularly with a view to analyzing effective educational policies for economically poor and ethnically diverse populations. As an educational researcher, I have extensive experience using and analyzing large sets of data. In the past, among other projects, I have served as the Principal Investigator on a five-year national evaluation of the accountability provisions of the federal Title I program under the No Child Left Behind Act, on a five-year national study of secondary school reform in California and 4 other states for the Bill & Melinda Gates Foundation (co-Principal Investigator), and on a two-year evaluation of the California Subject Matter Projects. Currently, I am the Principal Investigator for a national randomized trial assessing the efficacy of the National Writing Project and the Director of Research for Teaching and California's Future.

6. My work examining effective teaching practices is reported in *Teaching for Meaning in High-Poverty Classrooms* (Teachers College Press) and *Better Schooling for the Children of Poverty* (McCutchan). I have served on the National Academy of Sciences' Committee on the Influence of Standards in Mathematics, Science, and Technology; as Senior Policy Advisor to the Center for Research on Educational Diversity and Excellence at the University of California; and as a member of the National Council of Teachers of Mathematics Standards Impact Research Group. I am currently a member of the Committee of Visitors for the Center for Informal Learning and Schools and am a member of the editorial board of *Education Evaluation and Policy Analysis*. My curriculum vitae is attached as Exhibit A to this declaration.

7. As part of my work as Director of Research with Teaching and California's Future, I serve as the Principal Investigator for an ongoing 10-year study of the teacher workforce in California for the Center for the Future of Teaching and Learning (CFTL) in Santa Cruz. This project, which began in 1999, has involved extensive analyses of teacher supply, demand, and distribution in California's public schools. The annual reports we publish on California's teacher workforce are widely reported on in the media and have been relied on by policymakers in Sacramento in developing legislation to improve teacher quality in the state. For example, in 2006 SB 1209 by Senator Jack Scott sought, among other things, to improve the training and equal distribution of interns in California after data in our December 2005 CFTL report showed large numbers of interns in low-performing, high minority schools.

8. The data that we use to develop the annual CFTL teacher workforce reports on teacher supply and distribution in California, including the data on university and district interns (collectively, "interns"), is wholly derived from data maintained by the California Department of Education (CDE) and made available to the public through its website (www.cde.ca.gov). Most of the data is from the California Basic Educational Data System (CBEDS) database and the CBEDS website which are operated and maintained by the CDE. Data regarding the distribution of schools by poverty status is obtained from the CDE's CalWORKS website and is based on data regarding the number of students by school who qualify for the federal free or reduced price lunch program (FRPL). (This is the standard

1 poverty indicator for educational researchers.) A detailed description of the source of all of our data and
2 technical information is provided at the end of each of our annual CFTL teacher workforce reports.
3 (See, for example, pages 88, 99-100 of the most recent report, issued in December 2007, Plaintiffs'
4 Exhibit 14, describing the data sources for Exhibits 9, B-4, and B-8 which demonstrate the distribution
5 of interns by school-level API, percentage of minority students, and students in poverty.)

6 9. The CDE annually collects student and staff data from school districts across the state for
7 input into the CBEDS database. (See generally www.cde.ca.gov/ds/sd/cb/.) The CDE "certifies" the
8 data it receives from districts prior to publishing it online and making it available to the public, the
9 media, researchers and policymakers. Certification "indicates that the information collected was edited
10 and reviewed by CDE staff, corrected if needed, and where feasible, verified by the original data
11 provider." (www.cde.ca.gov/ds/si/ds/certpolicy.asp.) Based on my experience working with large
12 databases in general and my years of experience working with the CBEDS and CDE databases in
13 particular, I am confident that the CBEDS and CalWORKS data from the CDE website—that is, the
14 state's own data on which it relies—is the most accurate and reliable data available on California's
15 teacher workforce.

16 10. I am also confident that the data we produce in the CFTL annual teacher workforce reports
17 is accurate and reliable, including Plaintiffs' Exhibits 13 (2005 Report) and 14 (2007 Report). Once we
18 obtain the data from the CDE's website, we use the highest professional standards for analyzing and
19 manipulating the data, consistent with work typically done by educational researchers. We use standard
20 social science software (SAS), and our staff are trained and experienced in analyzing large data sets with
21 this software. In fact, we have professional programming staff whose sole job is to program SAS
22 software to produce data reports, primarily from large data sets. Also, we review our data for accuracy
23 and reliability. Our programming staff conduct internal statistical checks to look for any problems in
24 data runs that we produce. Our program staff additionally review data results for the CFTL teacher
25 workforce reports with other external data that is available to check for any possible errors. And indeed,
26 the data we produce on the California teacher workforce has been consistent across years since we began
27

1 the CFTL reports in 1999 and consistent with CDE and other government-reported data on the
2 California teacher workforce.

3 11. With respect to the distribution of interns in California, the state's data, as reflected in our
4 most current CFTL report (Plaintiffs' Exhibit 14) demonstrates that: (a) 54% of interns are in the
5 lowest-performing quartile of schools based on the state's Academic Performance Index, whereas only
6 8% of interns are in the highest-performing quartile; (b) 41% of interns are in the quartile of schools
7 with the highest concentration of non-white students, whereas only 8% of interns are in the quartile of
8 schools with the lowest concentration of non-white students; and (c) 62% of interns are concentrated in
9 the poorest half of the state's schools, whereas only 13% of interns are in the least poor quartile. (See
10 Exhibit 9 at p. 13; Exhibit B-4 at p.73; and Exhibit B-8 at p.76, respectively.)

11 12. In addition, plaintiffs counsel asked me to repeat this analysis by examining the data for the
12 2007 CFTL teacher workforce report by decile rather than quartile so as to generate a finer-grained
13 analysis. My staff and I performed this analysis using the same or more updated data and the same
14 rigorous, professional methods we employ to produce the annual CFTL teacher workforce reports.
15 Thus, I am equally confident that this data is the most accurate and reliable available.

16 13. The data that we produced from this analysis are reflected in the tables and graphs attached
17 to my declaration as Exhibit B. Among other things, this data shows that:

- 18 • Nearly a quarter of interns (23%) across the state serve in the 10% of schools serving the highest
19 concentrations of minority students (that is, schools that are 98-100% minority), while less than
20 2% serve in the 10% of schools with the lowest concentration of minority students.
- 21 • Sixty percent of interns serve in the lowest-performing 30% of schools in the state, while only
22 10% serve in the highest-performing 30% of schools in the state.
- 23 • Nearly a quarter of all interns (23%) in the state teach in schools where 83% or more of the
24 student body is eligible for free or reduced price meals. Only 10% of interns teach in schools
25 serving the lowest percentages of poor students (the bottom two deciles).

1 As the graphs in Exhibit B demonstrate, a student's chance of being taught by an intern is strongly
2 correlated with the concentration of minority students at the school, the concentration of poor students at
3 the school, and the level of academic achievement at the school. Overall, public schools in California
4 with the highest percentages of intern teachers are the lowest-performing schools with the highest
5 concentrations of poor and minority students.

6
7 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
8 correct.

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10 Dated: January 18, 2008

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DR. PATRICK SHIELDS

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EXHIBIT A

PATRICK M. SHIELDS
SRI International

Director
Center for Education Policy, Policy Division

Specialized Professional Competence

Educational policy analysis; school and district reform; teacher supply, demand, and distribution; teacher development; effective instruction in high-poverty classrooms; standards-based reform; mathematics and science education.

Current Research Projects

Principal Investigator, Evaluation of National Writing Project. Five-year study of the impact of teacher participation in the National Writing Project on student achievement. Methods combine randomized trial impact study and implementation study in 40 schools nationwide, using student assessments, student and teacher surveys, analysis of teacher assignments and student work, and direct observation of classroom instruction.

Project Supervisor, High School Transformation and Renaissance School Fund projects, Chicago Public Schools. Baseline data collection of current reform initiatives in Chicago Public Schools (High School Transformation and Renaissance 2010) and design of a comprehensive evaluation.

Director of Research, Teaching and California's Future. Ten-year study of teacher development in California, focusing on the supply of and demand for teachers in the state. Study includes statewide teacher survey, case studies of local school districts, and inventory of state policies regarding professional development and teacher learning. Analyses of relationships between teacher characteristics and student achievement are conducted annually.

Principal Investigator, Design of an Evaluation of the University of Florida's School Reform Initiative. Contract to develop, in collaboration with University of Florida faculty, methods and instruments to assess the impact on a comprehensive school reform initiative on student achievement.

Selected Past Research Projects

Principal Investigator, Evaluation of Title I Accountability Systems and School Improvement Efforts. Five-year national evaluation of the accountability provisions of the federal Title I program, involving a series of national surveys, nested case studies, and analysis of student achievement data. Study included analysis of secondary databases in three states comparing achievement gains across years for different types of Title I and non-Title I schools.

Co-Principal Investigator, Evaluation of the Bill & Melinda Gates Foundation Secondary School Place-Based Initiative. Five-year national study of secondary school reform in California, Chicago, New York City, Ohio, and Texas. Study included surveys of school staff and students, case studies of local and state policy systems, and analysis of student achievement.

Patrick M. Shields (continued)

Selected Past Research Projects (concluded)

Principal Investigator, Evaluation of California Subject Matter Projects. Two-year study of impact of \$35-million investment in teacher professional development on teacher practice and student achievement. Value-added models were used to estimate impacts on student achievement using secondary databases.

Principal Investigator, Design of an Impact Evaluation of Teacher Induction Programs. Design of a randomized trial of the impact of support for new teachers on student achievement and retention.

Co-Director, National Mathematics Directors Network. Three-year collaboration of math directors from 10 large urban districts (e.g., Boston, New York, Chicago) and a team of researchers to assess the impact of coaching on teacher practice and student achievement.

Principal Investigator, Evaluation of the Pew Network for Standards-Based Reform. Four-year study of standards-based reform in seven urban districts with a focus on the use of professional development to support standards-based classroom practice. Achievement analyses conducted in several districts.

Principal Investigator, Study of National Science Foundation's Statewide Systemic Initiatives (SSI) Program. Five-year study examined impacts at the classroom and student levels of statewide standards-based reform efforts in mathematics and science.

Project Director, National Study of School-Based Reform. Three-year study of school-based reforms in 32 schools located in 5 states.

Deputy Project Director, Study of Academic Instruction for Disadvantaged Students. Three-year study of effective instructional practices for students in high-poverty schools. Quasi-experimental design.

Academic Background

Ph.D., policy analysis (1988), Stanford University

M.A., educational administration (1982), Columbia University

B.A., romance languages and literature (1978), Amherst College

Selected Publications (Author or Coauthor)

Title I accountability and school improvement 2001-2004. (2006). Washington, DC: U.S. Department of Education.

The status of the teaching profession 2006. (2006). Santa Cruz, CA: The Center for the Future of Teaching and Learning.

Patrick M. Shields (continued)

Selected Publications (continued)

The status of the teaching profession 2005. (2005). Santa Cruz, CA: The Center for the Future of Teaching and Learning.

Evaluation of Title I accountability systems and school improvement efforts: Second year findings. (2004). Washington, DC: U.S. Department of Education.

Evaluation of Title I accountability systems and school improvement efforts: First year findings. (2004). Washington, DC: U.S. Department of Education.

The status of the teaching profession 2004. (2004). Santa Cruz, CA: The Center for the Future of Teaching and Learning.

The role of local context in standards implementation. (2003). Reston, VA: National Council of Teachers of Mathematics.

The status of the teaching profession 2003. (2003). Santa Cruz, CA: The Center for the Future of Teaching and Learning.

Investigating the influence of standards. A framework for research in mathematics, science and technology education. (2002). Washington, DC: National Research Council.

Who is teaching California's children? (2002). Santa Cruz, CA: The Center for the Future of Teaching and Learning.

Strengthening California's teacher information system. (2002). Santa Cruz, CA: The Center for the Future of Teaching and Learning.

California's teaching force. Key issues and trends 2002. (2002). Santa Cruz, CA: The Center for the Future of Teaching and Learning.

The status of the teaching profession 2001. (2001). Santa Cruz, CA: The Center for the Future of Teaching and Learning.

The status of the teaching profession. (2000). Santa Cruz, CA: The Center for the Future of Teaching and Learning.

When theory hits reality: Standards-based reform in urban districts. (2001). Menlo Park, CA: SRI International.

Preparing and supporting new teachers: A literature review. (2000). Washington, DC: U.S. Department of Education.

Supply and demand in the teacher workforce. (2000). Amherst, MA: National Evaluation Systems.

The status of the teaching profession: Research findings and policy recommendations. (1999). Santa Cruz, CA: The Center for the Future of Teaching and Learning.

Patrick M. Shields (continued)

Selected Publications (continued)

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Patrick M. Shields (concluded)

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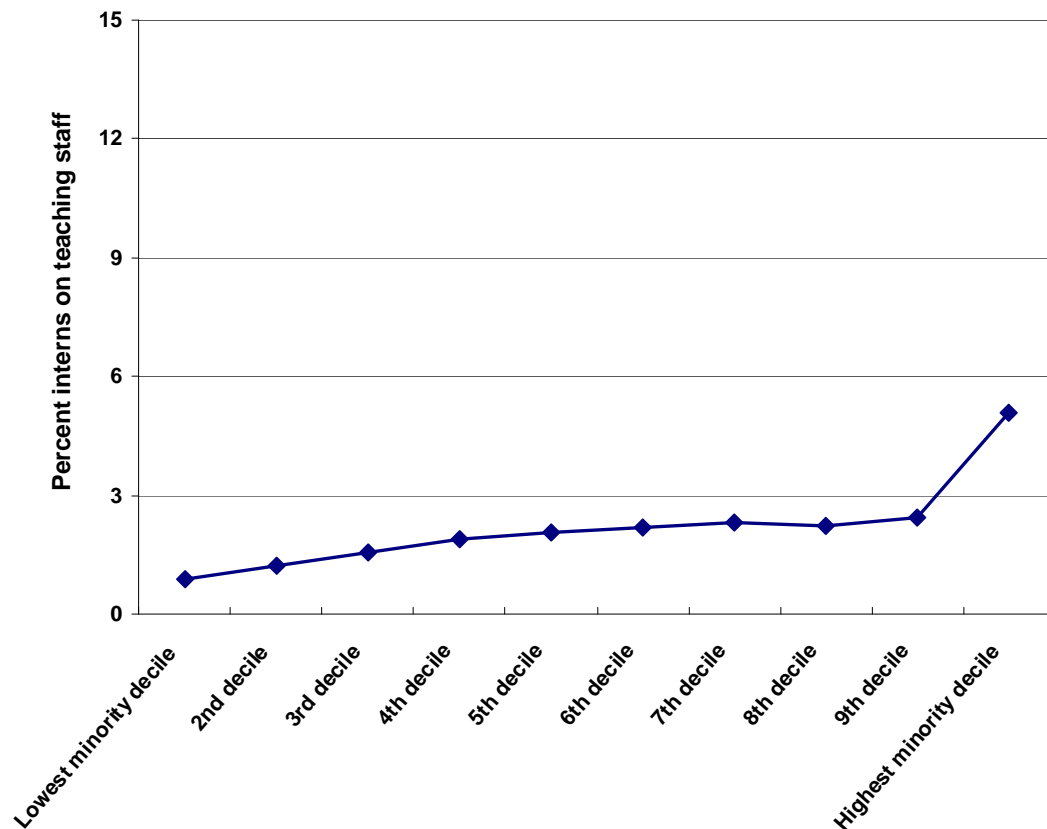
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EXHIBIT B

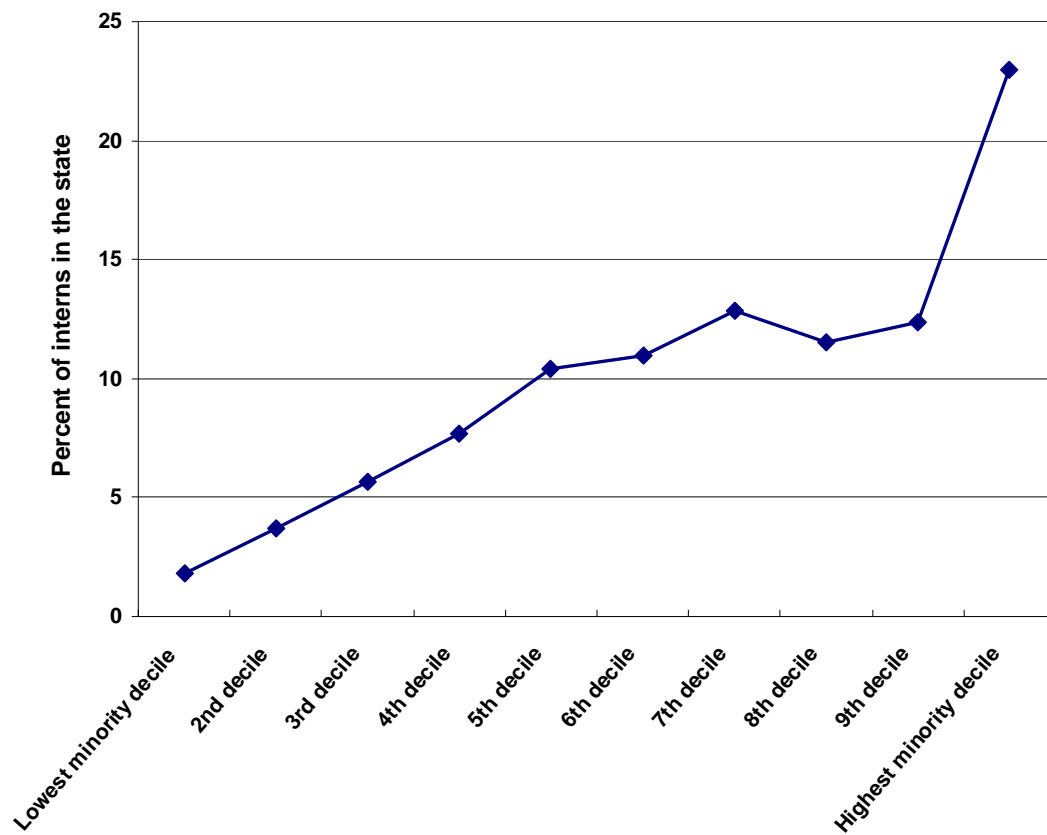
2006-07 INTERN DISTRIBUTION DATA FOR CALIFORNIA PUBLIC SCHOOLS

1. Distribution of Interns by School-level Minority Deciles

Minority Decile	Mean Percent of Interns on Teaching Staff	Number of Schools
(1) 0% -< 27% minority students	0.87	750
(2) 27% -< 39% minority students	1.21	750
(3) 39% -< 51% minority students	1.55	750
(4) 51% -< 63% minority students	1.89	750
(5) 63% -< 74% minority students	2.05	750
(6) 74% -< 84% minority students	2.20	750
(7) 84% -< 91% minority students	2.30	750
(8) 91% -< 95% minority students	2.24	750
(9) 95% -< 98% minority students	2.45	750
(10) 98% -< 100% minority students	5.07	750



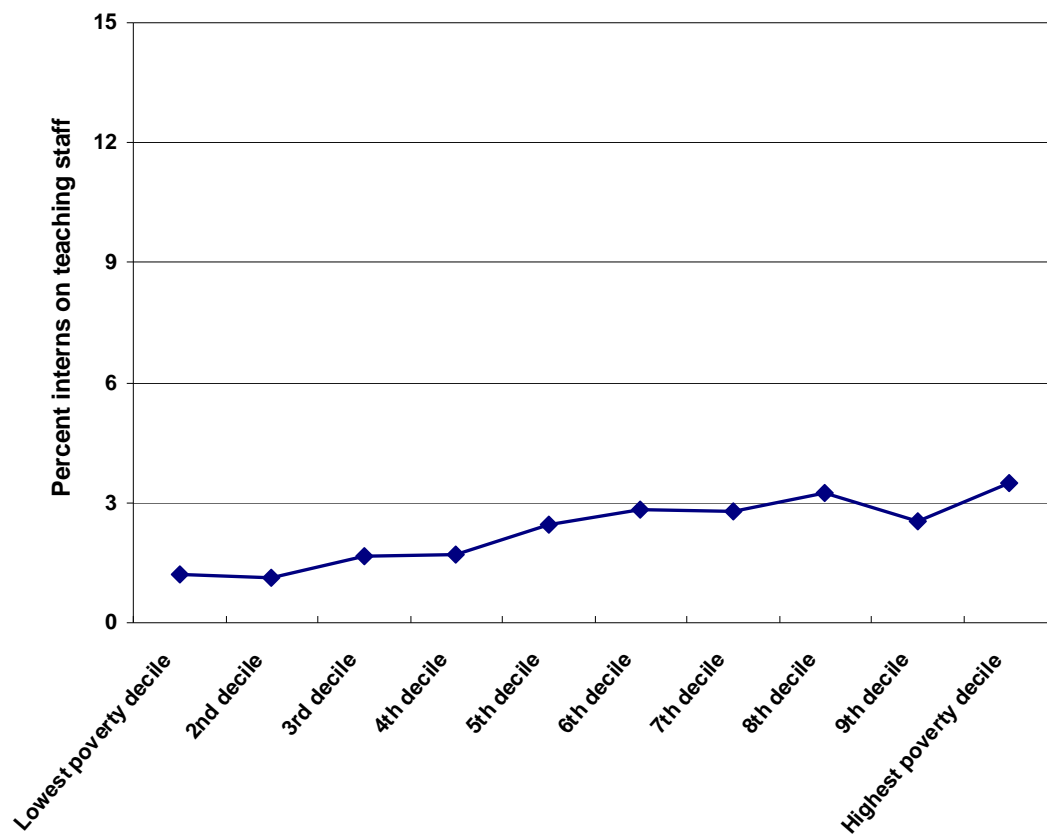
Minority Decile	Number of Interns in Minority Decile	Percent of Interns in the State	Number of Schools
(1) 0% -< 27% minority students	119	1.84	750
(2) 27% -< 39% minority students	241	3.73	750
(3) 39% -< 51% minority students	368	5.69	750
(4) 51% -< 63% minority students	497	7.69	750
(5) 63% -< 74% minority students	673	10.41	750
(6) 74% -< 84% minority students	709	10.97	750
(7) 84% -< 91% minority students	830	12.84	750
(8) 91% -< 95% minority students	745	11.52	750
(9) 95% -< 98% minority students	801	12.39	750
(10) 98% -< 100% minority students	1,483	22.94	750



2. Distribution of Interns by School-level Poverty Deciles

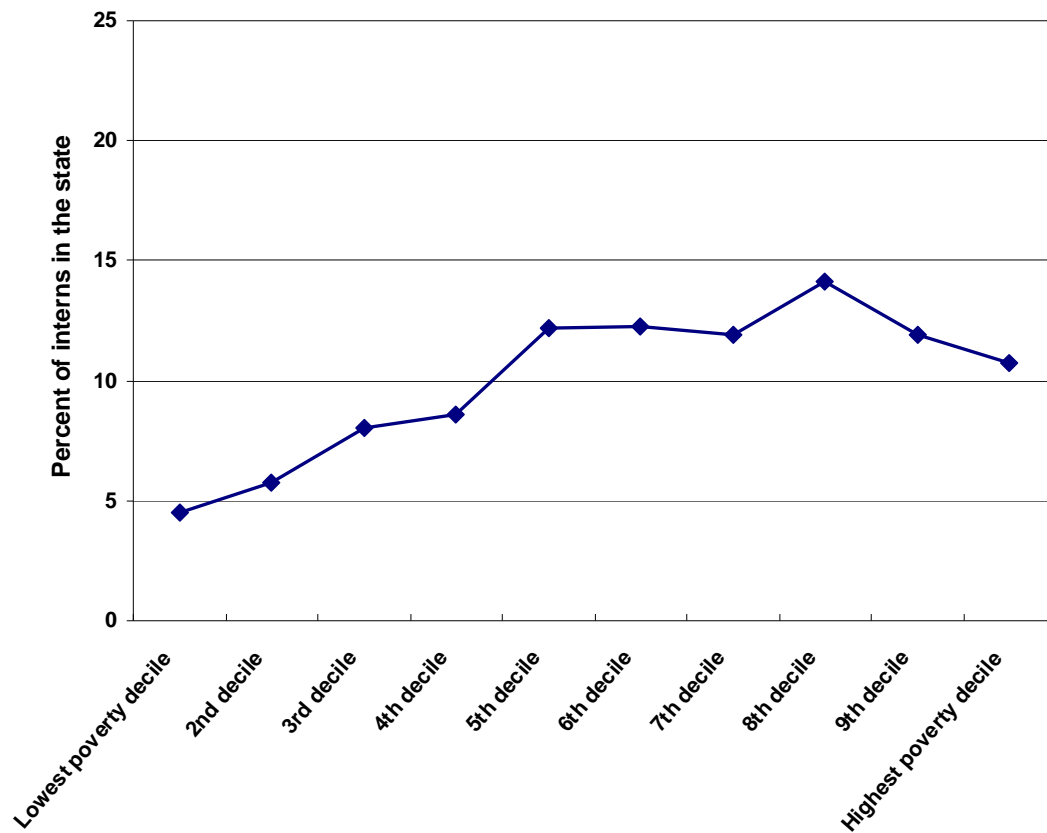
Poverty Decile	Mean Percent of Interns on Teaching Staff	Number of Schools
(1) 0% -< 9% FRPL* students	1.20	801
(2) 9% -< 20% FRPL* students	1.13	801
(3) 20% -< 33% FRPL* students	1.68	801
(4) 33% -< 45% FRPL* students	1.71	801
(5) 45% -< 56% FRPL* students	2.44	801
(6) 56% -< 66% FRPL* students	2.84	801
(7) 66% -< 75% FRPL* students	2.77	801
(8) 75% -< 83% FRPL* students	3.26	801
(9) 83% -< 91% FRPL* students	2.55	801
(10) 91% -< 100% FRPL* students	3.48	800

*FRPL is Free/Reduced-Price lunch



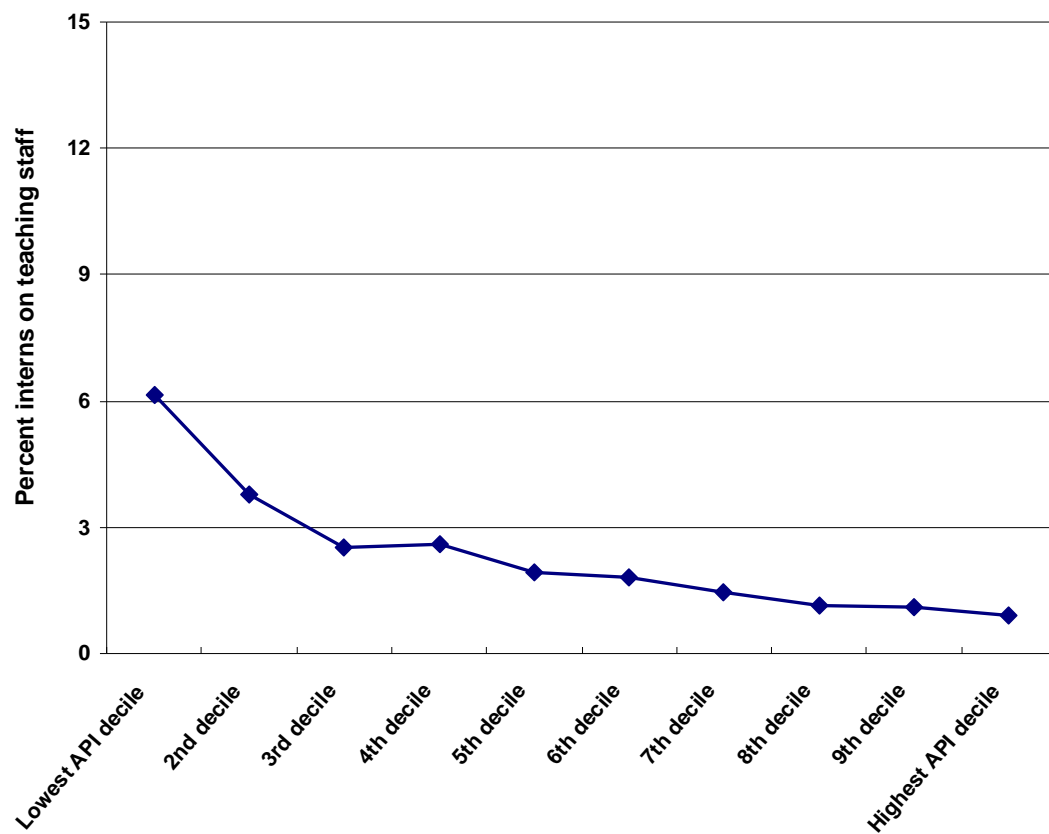
Poverty Decile	Number of Interns in Poverty Decile	Percent of Interns in the State	Number of Schools
(1) 0% -< 9% FRPL* students	317	4.51	801
(2) 9% -< 20% FRPL* students	405	5.76	801
(3) 20% -< 33% FRPL* students	564	8.03	801
(4) 33% -< 45% FRPL* students	605	8.61	801
(5) 45% -< 56% FRPL* students	856	12.18	801
(6) 56% -< 66% FRPL* students	860	12.24	801
(7) 66% -< 75% FRPL* students	838	11.92	801
(8) 75% -< 83% FRPL* students	991	14.10	801
(9) 83% -< 91% FRPL* students	836	11.90	801
(10) 91% -< 100% FRPL* students	756	10.76	800

*FRPL is Free/Reduced-Price lunch

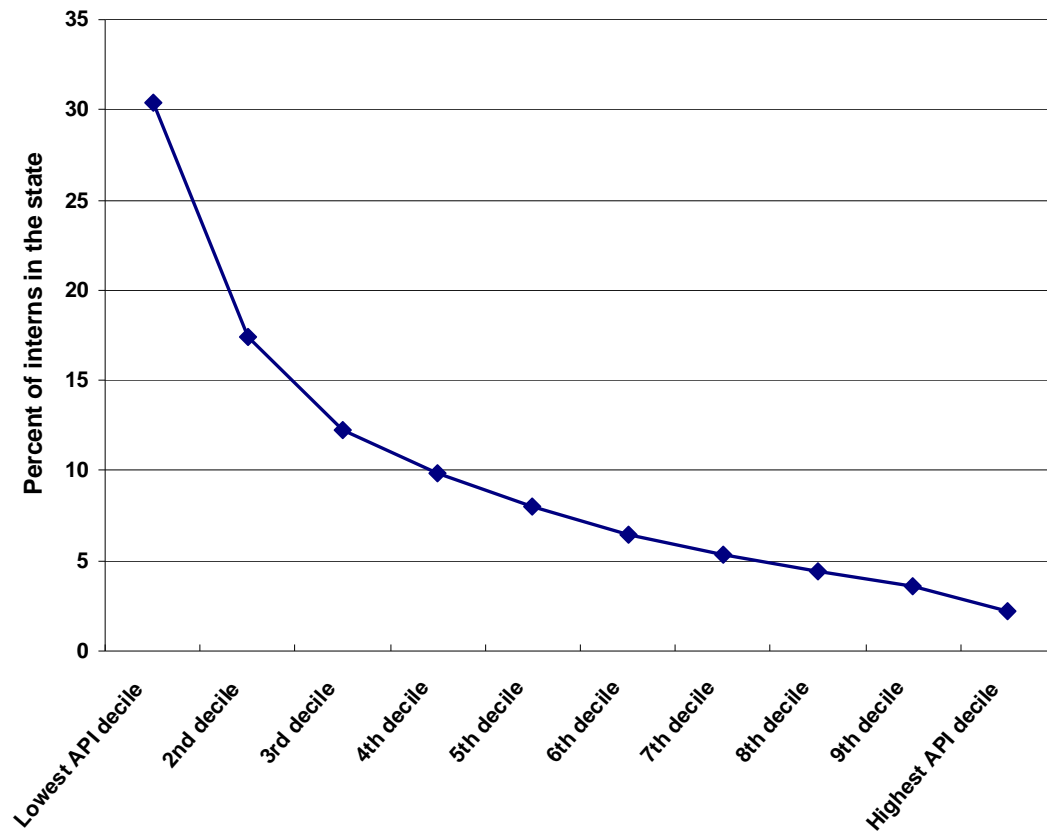


3. Distribution of Interns by School-level API Deciles

Academic Performance Index Decile	Mean Percent of Interns on Teaching Staff	Number of Schools
(1) 302 -< 642 API points	6.13	818
(2) 642 -< 679 API points	3.76	786
(3) 679 -< 706 API points	2.53	813
(4) 706 -< 728 API points	2.58	809
(5) 728 -< 750 API points	1.94	792
(6) 750 -< 774 API points	1.82	803
(7) 774 -< 801 API points	1.44	791
(8) 801 -< 835 API points	1.16	807
(9) 835 -< 879 API points	1.12	788
(10) 879 -< 997 API points	0.89	797



Academic Performance Index Decile	Number of Interns in API Decile	Percent of Interns in the State	Number of Schools
(1) 302 -< 642 API points	2,133	30.36	818
(2) 642 -< 679 API points	1,224	17.42	786
(3) 679 -< 706 API points	863	12.28	813
(4) 706 -< 728 API points	690	9.82	809
(5) 728 -< 750 API points	560	7.97	792
(6) 750 -< 774 API points	453	6.45	803
(7) 774 -< 801 API points	378	5.38	791
(8) 801 -< 835 API points	313	4.46	807
(9) 835 -< 879 API points	253	3.60	788
(10) 879 -< 997 API points	158	2.25	797



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22 (Additional attorneys listed on following page)
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SONYA RENEE *et al.*,

Plaintiffs,

v.

MARGARET SPELLINGS, in her official capacity;
UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**DECLARATION OF DERECKA
MEHRENS IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Time: 9:00 a.m.

Date: April 23, 2008

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DECLARATION OF DERECKA MEHRENS

I, Derecka Mehrens, hereby declare:

1. The matters set forth herein are based upon my own personal knowledge, except where stated to be based upon information and belief, and if called to testify, I could and would do so competently as follows:

2. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment.

3. I am the Head Organizer for the California affiliate of the Association of Community Organizations for Reform Now, which is the senior executive staff position for California ACORN.

4. The national Association of Community Organizations for Reform Now ("ACORN") is the nation's largest community organization of low- and moderate-income families, with more than 350,000 member families, organized in 850 neighborhood chapters in over 100 cities across the United States. Since 1970, ACORN's priorities have included better housing, schools, neighborhood safety, health care, and job conditions.

5. California ACORN ("CA ACORN") was formed in 1986 and has more than 37,000 members in 22 cities across California. CA ACORN, based in Oakland, organizes communities across the state through outreach from its thirteen chapters, including Chula Vista, Contra Costa, Fresno, Long Beach, Los Angeles, Oakland, Orange County, Sacramento, San Bernardino, San Diego, San Fernando Valley, San Francisco, and San Jose.

6. One of California ACORN's four major current campaigns is "Great Schools NOW!," a campaign to improve the quality of public schools for ACORN members and their families, including ensuring qualified teachers. As set forth on our website describing the "Elements of an ACORN School," (a true and correct copy of which is attached to this declaration as Exhibit 1), ACORN's work in education involves ongoing efforts to ensure that there is a "highly qualified teacher" in every classroom, as that term is defined in the No Child Left Behind Act of 2001 ("NCLB").

7. To achieve our overall vision for qualified, fully-credentialed teachers for all students, California ACORN has supported major legislative initiatives to increase students' access to qualified teachers in California, including SB 1209 (Scott) (2006), a bill which increased training and support for

1 intern teachers. (See Exhibit 2, “Great Schools NOW! Victory!” and ACORN’s 2006 Newsletter, true
2 and correct copies of which are printed from ACORN’s website and included as exhibits to this
3 declaration). In addition, California ACORN and its members have participated in trainings on teacher
4 quality issues, advocated for improvements in teacher quality before state legislators and other officials,
5 and conducted and disseminated research on teacher quality issues within individual school districts.

6 8. ACORN national and CA ACORN have focused intensive efforts on ensuring that the
7 promise of NCLB is met for all students. In 2003, CA ACORN brought suit to challenge the California
8 State Board of Education’s attempt to water down the definition of “highly qualified teacher” in
9 California by including within that definition emergency-credentialed teachers. In 2004, ACORN
10 released a report entitled “Accountability Left Behind: While Students and Schools Face High Stakes
11 Testing, Tutoring Companies Get a Free Ride,” raising serious concerns about the implementation of
12 NCLB’s tutoring program.

13 9. CA ACORN has joined this legal action, *Renee v. Spellings*, because the U.S. Department of
14 Education regulation at issue in this case—which permits teachers-in-training through intern programs
15 to be labeled “highly qualified”—harms our organization’s interests by hindering CA ACORN’s efforts
16 to provide equal access to fully prepared and certified teachers for our members and their children and
17 for all students in California.

18 10. Various CA ACORN members have been and continue to be negatively affected by the
19 regulation at issue in this case, including CA ACORN/Los Angeles ACORN members Sonya Renee and
20 her daughter, Candice Johnson and Guadalupe Gonzalez and her daughter, Daisy Gonzalez.

21 11. The challenged regulation harms CA ACORN and our individual members—including
22 Sonya Renee, Candice Johnson, Guadalupe Gonzalez, and Daisy Gonzalez—in four other ways. First,
23 the regulation allows interns teachers to be hired and assigned to teach CA ACORN members or their
24 children and mislabeled as “highly qualified.” Second, the regulation allows the continued
25 concentration of intern teachers at schools which CA ACORN members or their children attend (which
26 typically serve large numbers of low-income and minority students) and creates a substantial likelihood
27
28

1 that CA ACORN members or their children will be taught by intern teachers during the course of their
2 enrollment in their current public school. Third, the regulation deprives CA ACORN and its members
3 of the benefit of state and local district plans to meet NCLB's requirement that all children have full and
4 equal access to fully certified teachers in their core classes. Fourth, the regulation deprives CA ACORN
5 and its members of accurate information about non-"highly qualified" teachers—and, specifically, those
6 who are still training in alternative programs—teaching at the schools and within the districts which CA
7 ACORN members or their children attend as well as information about such teachers in California and
8 nationally.

9
10 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
11 correct.

12
13 Dated: January 15, 2008

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15 
16 DERECKA MEHRENS

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EXHIBIT 1


[Home](#) | [About ACORN](#) | **[Our Work](#)** | [Take Action](#) | [Join ACORN](#) | [Donate Now](#) | [Signup for Updates](#) | [Offices](#)
Español*Association of Community Organizations for Reform Now*
[Overview](#) | [Campaign News](#) | [Volunteer](#) | [Take Action!](#)
[Press Releases](#) | [Press Clips](#) | [Links](#) | [Reports](#)
Elements of an ACORN School**ELEMENTS OF AN ACORN SCHOOL****1. Parental participation**

- Parents should be welcome in the school at any time
- Parents should have real input into principal and teacher hiring as well as the school budget and programs.
- Activities for parents should be at convenient times
- There should be someone at the school who speaks the language of the parents

2. There should be a highly qualified teacher in every classroom.

- Highly qualified is defined in the No Child Left Behind Act of 2001

3. There should be a master teacher program to mentor other teachers

- There should be one full time master teacher/mentor for every 12 teachers.
- Classroom evaluation and feedback will be part of this program

4. There should be a highly qualified principal at the school.**5. Small class sizes**

- For grades K to 3 this should be 20 or less.
- For all other grades this should be 25 or less.

6. Longer school day and/or after school programs

- The school day should be longer than the "normal" 3 pm to provide adequate time for instruction.
- ACORN schools should have an after school program which moves students towards academic excellence and which is available to all students.

7. Research based reading program

- All ACORN schools should implement a research based reading program such as Success for All.

Association of Community Organizations for Reform Now

www.acorn.org

National Offices:

739 8th St., SE, Washington, DC 20003 202-547-2500

Want to Improve Your School?

Do you feel that your child's school is not equipped with a rigorous curriculum?

Are you concerned about the safety or the welfare of your child at school?

Maybe you just have ideas or want to take part in actions that can improve the quality of a school in your area.

[Click here to contact us.](#) We will help you and put you in contact with others who can help get the job done.

**Campaigns:**

- > Foreclosures
- > Paid Sick Days
- > Katrina Relief
- > Predatory Lending
- > Fair Tax Fees
- > Living Wage
- > Immigration
- > Social Security Protection
- > Better Schools
- > Affordable Housing
- > Community Reinvestment
- > Utilities
- > Health Care
- > Other Campaigns

Our Work:

- > ACORN International
- > Campaigns
- > Community Services
- > Resources and Research

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EXHIBIT 2



California ACORN | Legislation | Education | Healthcare | Links | **Victories** | State Directory | ACORN.org

Association of Community Organizations for Reform Now

California Victories

San Francisco Passes Universal Health Care Ordinance

After months of gathering signatures, meeting with elected officials and speaking out at hearings at City Hall, ACORN members' hard work paid off when the Board of Supervisors voted unanimously to pass the San Francisco Health Care Security Ordinance. Sponsored by Supervisor Tom Ammiano, the landmar...

[\[more\]](#)

18-04-07 12:55 Wednesday 18. of April 2007

Category: Victory

California Renters Win 60-Days!

In September 2006, Governor Schwarzenegger signed AB 1169, a bill increasing from 30-days to 60-days the amount of time California's renters will have to move if their landlord issues a no-fault eviction notice. The bill was authored by Assemblymember Alberto Torrico and sponsored by ACORN, the West...

[\[more\]](#)

18-04-07 12:54 Wednesday 18. of April 2007

Category: Victory

LA ACORN Members Travel to the Capitol

On Sunday, over 180 Los Angeles ACORN members drove to Sacramento for the Senate Appropriations Committee hearing on AB 1381, the bill that would restructure the LA School District.

The trip turned out to be a highly exciting, contentious battle between those in favor of restructuring and cha...

[\[more\]](#)

18-04-07 12:48 Wednesday 18. of April 2007

Category: Victory



CALIFORNIA WINS A RAISE!

Great Schools NOW!

VICTORY!

ACORN members share in the victory being celebrated with the passage of Senator Jack Scott's bill, SB 1209, a comprehensive bill to help attract and support new teachers. This week, Governor Schwarzenegger signed the bill, putting millions of dollars into low-performing schools. ACORN members mobilized low income parents and community members in support of the bill, held leadership trainings at schools in 10 counties, collected hundreds of letters of support, and worked with the stakeholders organized on the bill to engage communities statewide. [CLICK HERE](#) for more

More about California ACORN:

- > California ACORN
- > Legislation
- > Education
- > Healthcare
- > Links
- > Victories
- > State Directory
- > ACORN.org

Los Angeles ACORN members represented low income workers from across the state at the Governor's Minimum Wage increase signing ceremony and press conference September 12th. After a two year statewide campaign, ACORN members celebrated their voices finally being heard. Since 2004, ACORN has supported...

[\[more\]](#)

18-03-07 12:43 Sunday 18. of March 2007

Category: Victory



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Association of Community Organizations for Reform Now

www.ACORN.org

MESSAGE FROM ACORN'S NATIONAL PRESIDENT

Dear Friends,

2006 was a monumental year for ACORN. We grew to more than **350,000 ACORN members** in the U.S. and internationally! Our major campaign this year – raising the minimum wage by ballot initiative in four states – led to raises for 1.5 million workers. ACORN also ran the nation's largest nonpartisan voter registration effort this election cycle, kept up the fight for justice for Katrina survivors as they return and rebuild New Orleans, and organized on many more issues that affect low-income families. I invite you to read the highlights of ACORN's organizing in 2006 below, and look forward sharing even more exciting work in the year ahead.



In solidarity,
Maude Hurd, ACORN National President

BEST OF ACORN ORGANIZING -- 2006

ACORN Grows: ACORN now has 350,000 member families and organizing operations in over 110 U.S. cities in 39 states, and internationally in Argentina, Canada, Mexico, and Peru!



ACORN and allies increased the minimum wage in states across the country, delivering raises for millions of workers.

Minimum Wage Initiatives: In Arizona, Colorado, Missouri, and Ohio, voters overwhelmingly approved ACORN-backed ballot initiatives to raise the state minimum wage by \$1.35 or more – delivering raises to 1.5 million workers! To pass the measures, over 1,600 ACORN members, canvassers, and volunteers worked with labor-faith-community coalitions to contact 380,000 voters in low-income neighborhoods. ACORN also had a leading role in legislative campaigns that raised the minimum wage in eight states (Md., Mich., Ark., Pa., N.C., Mass., Calif., Ill.) and the City of Albuquerque, N.M.

Increasing Civic Participation: ACORN ran the country's largest voter registration drive this election cycle, registering over 540,000 new voters. ACORN members and organizers

knocked on 1.5 million doors in 20 states to get out the vote in the weeks before the election. ACORN and allies including Project Vote and the Advancement Project also won legal victories striking down restrictions on voter registration in Ohio, Georgia, and other states. In Pennsylvania, Washington, and Maryland, ACORN and allies defeated provisions to disqualify voters based on routine errors in state databases. In Florida, ACORN stopped a series of measures making it harder to put initiatives on the ballot like ACORN's successful 2004 initiative to raise the statewide minimum wage.



ACORN and allies increased the minimum wage in states across the country, delivering raises for millions of workers.

Justice for Hurricane Katrina Survivors: ACORN organized thousands of Katrina survivors across the country to demand immediate relief and a voice in the rebuilding of the Gulf Coast region. In February, nearly 500 Katrina survivors from several states rallied in Washington DC with Congressional leaders for additional federal rebuilding assistance. In New Orleans, ACORN organized to prevent the city from taking land through eminent domain in flooded communities and also successfully pressured the city to restore utilities services in the Ninth Ward. ACORN's Home Clean-Out Demonstration Program also gutted over 1,850 homes to preserve them for later rebuilding. In November, a federal district judge ruled in favor of ACORN and Katrina survivors who had been denied FEMA housing assistance without a clear explanation or appeal process. The judge forced FEMA to send out new letters of explanation to thousands of Katrina survivors in Texas, giving affected families the chance to get millions in housing benefits restored.



Over 400 members of the ACORN Katrina Survivors Association converged in Washington, D.C., to rally for federal rebuilding assistance.

Throughout the year, a group of university-based urban planners and architects led by the Department of City and Regional Planning at Cornell University worked with ACORN and the ACORN Housing Corporation to develop a "People's Plan" for rebuilding New Orleans' Ninth Ward. This plan was released at the end of the year, and offers a comprehensive strategy for restoring the community, enhancing quality of life, and enabling former residents and business owners to return home.



ACORN members from around the country marched for a minimum wage increase at ACORN's National Convention.

ACORN's 16th National Convention: Raising the States: Over 2,500 ACORN members and staff took part in the largest convention in ACORN's history in Columbus, Ohio. ACORN members rallied at the state capitol and signed up voters in low-income neighborhoods to build support for our minimum wage campaigns. Speakers at the event included Senator Hillary Clinton, former Senator John Edwards, AFL-CIO President John Sweeney, Reverend Al Sharpton and comedienne Roseanne Barr.

Winning Living Wages: ACORN continued to play a leading role in the national living wage movement. In Pine Bluff, Ark.,



Chicago ACORN members rallied to make big box stores in the city pay a living wage.

Washington, D.C., and Nassau County, N.Y., ACORN-led coalitions won measures providing living wages for thousands of workers. Chicago ACORN helped pass a landmark ordinance requiring "big box" stores in the city to pay \$13 per hour in wages and fringe benefits. Though Mayor Daley vetoed the ordinance—his first veto over the city council in 17 years—the campaign was a breakthrough in the fight to hold large retail stores accountable as they expand into low-income urban neighborhoods.

Taking On Predatory Lenders: After negotiations with ACORN, both Jackson Hewitt and Liberty Tax eliminated their application fees on Refund Anticipation Loans (RALs) in 7,000 stores—saving customers over \$164 million per year! In Rhode Island, ACORN helped pass one of the strongest laws in the country regulating predatory home loans.



ACORN reached thousands of low-income families and Katrina survivors with information about free tax prep services and the Earned Income Tax Credit.

Helping Families Claim the Earned Income Tax Credit: ACORN ran free tax prep sites in 72 cities and helped 30,000 low-income families collect over \$38 million in refunds, including \$25 million in EITC and Child Tax Credits. With support from the William J. Clinton Foundation, ACORN also conducted EITC outreach targeting Katrina survivors in ten cities and prepared taxes for nearly 1,000 survivors.

Affordable Housing: ACORN members successfully fought for affordable housing set asides in specific developments in New York City, Garden City, N.Y., Los Angeles, Calif., and other cities. In New York City, ACORN and the Housing Here and Now Coalition won a low-income housing trust fund and an affordable housing requirement in areas of high development, which will create over 20,000 units of affordable housing. New York ACORN also secured a \$10 million city budget allocation saving 8,400 Section 8 vouchers. Also in New York, a state board gave final approval for a multi-billion dollar development in Brooklyn, which, as part of an ACORN-negotiated agreement, will include thousands of affordable rental and home ownership units.

Improving Utilities Services: ACORN chapters nationwide won reforms of utilities practices, helping low-income customers pay their bills and avoid service disruptions. In Texas, ACORN won a statewide no shut-off agreement for the summer from the Public Service Commission, and in Florida, ACORN members convinced a state commission to reduce proposed utilities surcharges by \$500 million. ACORN also waged successful campaigns for service reforms in Michigan, Maryland, Orlando, Fla., and Houston and Dallas, Texas.



ACORN worked with allies to improve the quality of education in classrooms around the country.

Better Schools: ACORN organizing won better programs for low performing schools in many of our neighborhoods. In California, ACORN played a key role in working with the mayor of Los Angeles to pass a law increasing the voice of parents in city schools, while statewide ACORN and allies helped pass a law to improve the recruitment and training of teachers. Chicago ACORN and coalition partners won a new appropriation of \$3 million for Grow Your Own Teacher projects around the state.

Healthcare for All: ACORN continued our fight to win health care access for low and moderate income families. In San Francisco, ACORN was part of a successful coalition effort to pass an ordinance providing health care for every city resident. ACORN chapters in San Diego, Calif., and Columbus, Ohio, also helped eliminate over \$700,000 in medical debt and over \$1.2 million in liens for patients unfairly denied reduced cost “charity care” at local hospitals. Chicago ACORN worked with allies to stop a large hospital chain from closing an acute care hospital serving low-income city residents.

Immigration: ACORN members joined the largest mass movement our country has seen in decades as we participated in immigrant rights marches around the nation to demand comprehensive federal immigration reform and a legal path to citizenship. These events helped block federal legislation making it a felony to aid undocumented immigrants or to be undocumented in the U.S., and set the stage for a renewed push for immigration reform in 2007.



Arkansas ACORN members participated in an immigration rally on May 1 with over 1,000 people.



ACORN members held protests at Sherwin Williams stores demanding the company pay to clean up poisonous lead paint in low-income communities.

Environmental Justice: ACORN held protests at Sherwin Williams stores throughout the United States, Canada, and Latin America as part of an ongoing campaign to demand that paint manufacturers pay for the clean up of lead paint that has poisoned hundreds of thousands of children. The cities of El Paso, Texas, and Providence, R.I., also divested thousands of shares of stock from Sherwin Williams after hearing ACORN members testify about the impact of lead poisoning in their communities.

Organizing Against Wal-Mart: ACORN worked with the Wal-Mart Alliance for Reform Now (WARN) to stop the construction of Wal-Mart stores in Orlando, Sarasota, Plant City, and Temple Terrace, Fla. Also in Florida, the Orange County Commission enacted an ACORN-backed one-year moratorium barring big box retailers from building new stores in the county.

Building a Movement of Unionized Childcare Providers: New York ACORN and the United Federation of Teachers (UFT) won state legislation – with the governor's approval expected in 2007 – giving over 25,000 childcare providers the right to bargain collectively for better wages. In New Jersey, ACORN worked alongside CWA and AFSCME to organize over 7,000 childcare providers, and helped secure an Executive Order from the governor granting the providers collective bargaining rights.

Our sister organization SEIU Local 880 signed a historic contract bringing more than \$250 million in rate increases and benefits to 40,000 state childcare providers.

ACORN Housing Corporation (AHC): In 2006, ACORN Housing Corporation's housing counseling program helped 10,298 families become first-time homeowners, and refinanced 1,234 homeowners into more affordable mortgages. ACORN Housing's development program secured over \$100 million in construction financing and began development of 890 new units of affordable housing. In the wake of Hurricane Katrina, AHC provided housing counseling to over 4,000 displaced homeowners and built the first new houses in New Orleans' Lower Ninth Ward.

Taking Action for Our Communities: In thousands of local neighborhoods ACORN members won victories for low and moderate income communities, including

- Millions for home repair in Minnesota, Detroit, Mich., Toronto, Orlando, Fla., San Antonio, Texas, Nassau County, N.Y., and Oakland, Calif.
- A \$5 million city subsidy for the building of a supermarket in a neglected Las Vegas, Nev., neighborhood.
- A statewide record sealing law to help nonviolent ex-offenders find jobs in Illinois.
- Increased police accountability in neighborhoods in Contra Costa County, Calif., Portland, Ore., Jacksonville, Fla., San Antonio, Texas, and Lima, Peru.
- Strong tenants' rights laws in California, Madison, Wis., and Jackson, Miss.
- Hundreds of neighborhood safety improvements such as stop signs, speed humps, traffic signals, sidewalk repairs, and trash clean-ups.



In Madison, ACORN successfully pressured the city council to pass a law allowing tenants to make critical repairs and then deduct the amount from rent payments.

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21 Attorneys for PLAINTIFFS
22 (Additional attorneys listed on following page)
23
24
25

26 UNITED STATES DISTRICT COURT
27
28 NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SONYA RENEE *et al.*,

Plaintiffs,

v.

MARGARET SPELLINGS, in her official capacity;
UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**DECLARATION OF SOLOMON
RIVERA IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Time: 9:00 a.m.

Date: April 23, 2008

1 PATRICK THOMPSON (SBN 160804)
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19 Attorneys for PLAINTIFFS
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DECLARATION OF SOLOMON RIVERA

I, Solomon Rivera, hereby declare:

1. The matters set forth herein are based upon my own personal knowledge, except where stated to be based upon information and belief, and if called to testify, I could and would do so competently as follows:

2. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment.

3. I am the Executive Director of Californians for Justice, a non-profit, grassroots membership organization dedicated to empowering youth, communities of color, and poor people in California.

4. CFJ's membership includes four regional networks with offices in Oakland, Long Beach, Fresno, and San Jose. Overall, CFJ has a total of over 1,500 members across the state. Comprised primarily of youth from low-income communities and communities of color, CFJ's members meet bi-weekly to discuss educational issues that arise in their local communities, identify issues having a statewide impact, and strategize for effective solutions.

5. CFJ challenges the unequal access to public education in California by working to create change at the school level and the state level. Our vision for education, which is posted on our website (a true and correct copy is attached to this declaration as Exhibit 1), states in pertinent part:

We believe in an education system that provides qualified and diverse teaching staff to open the minds of youth, and school resources to open the doors to opportunities.

We believe in fighting for the rights of students of color, low-income students, immigrant students, LGBT students, and their families so that we can achieve justice in our schools.

6. To achieve this vision for education, CFJ leads the Campaign for Quality Education, a statewide alliance of over 100 organizations which works to make policy changes that will improve schools throughout the state.

7. In particular, we have worked independently and with the Campaign for Quality Education to mobilize public support for significant policy changes around the issue of students' access to qualified teachers. For example, since 2005, our members have filed hundreds of complaints—using new rights acquired in the *Williams v. California* settlement—about the lack of qualified teachers, sufficient textbooks, and adequate school facilities at their schools. Since 2003, CFJ has challenged the

1 implementation of the California High School Exit Exam and supported policy proposals that would
2 have delayed this graduation requirement until all students have been provided the opportunity to learn
3 what is on the test, including being taught by qualified, fully-credentialed teachers. More recently, CFJ
4 has also supported districts' use of funds under the Quality Investment in Education Act (QEIA) which,
5 among other things, requires districts to equalize the distribution of qualified, experienced teachers
6 across their schools.

7 8. CFJ has previously sought to enforce the promise of NCLB that all students receive a fully
8 prepared and certified teachers. In 2003, CFJ, together with CA ACORN, brought suit to challenge the
9 California State Board of Education's attempt to water down the definition of "highly qualified teacher"
10 in California by including within that definition emergency-credentialed teachers. In 2005, CFJ sued the
11 California Commission on Teacher Credentialing for mislabeling as "highly qualified" some 4,000
12 emergency permit holders.

13 9. Various CFJ members are currently taught by intern teachers who are mislabeled under the
14 challenged regulation as "highly qualified." One such member is Sayra Reyes, a junior at Oakland
15 Technical High School in Oakland Unified School District, whose Chemistry teacher for the 2007-08
16 school year is an intern. A true and correct copy of the credential of Sayra's intern teacher, Ms. Tascha
17 Barnes, is attached to this declaration as Exhibit 2.

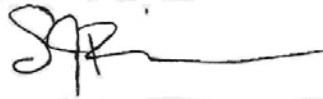
18 10. The U.S. Department of Education regulation at issue in this case—which permits teachers-
19 in-training through intern programs to be labeled "highly qualified"—harms CFJ's organizational
20 interests by hindering CFJ's overall efforts to provide equal access to qualified, fully-certified teachers
21 for our members and for all students in California.

22 11. Additionally, the challenged regulation harms CFJ and our individual members in four other
23 ways. First, the regulation allows interns teachers to be hired and assigned to teach CFJ members
24 (including Sayra Reyes) and mislabeled as "highly qualified." Second, the regulation allows the
25 continued concentration of intern teachers at schools which CFJ members attend (which typically serve
26 large numbers of low-income and minority students) and creates a substantial likelihood that CFJ
27

1 members will be taught by intern teachers during one of their remaining semesters of high school.
2 Third, the regulation deprives CFJ and its members of the benefit of state and local district plans to meet
3 NCLB's requirement that all children have full and equal access to fully certified teachers in their core
4 classes. Fourth, the regulation deprives CFJ and its members of accurate information about non-"highly
5 qualified" teachers—specifically, those who are still training in alternative programs—teaching at the
6 schools and within the districts which CFJ members attend as well as information about such teachers in
7 California and nationally.

8
9 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
10 correct.

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12 Dated: January 16, 2008

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SOLOMON RIVERA
18 Executive Director, Californians for Justice
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EXHIBIT 1

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About CFJ

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Issues

Take Action

Press Room

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CFJ Vision For Education

(Developed by the youth members of Californians for Justice)

- We believe in public schools that empower youth with knowledge, skills, and hope, because education is liberation.
- We believe in an education system that provides qualified and diverse teaching staff to open the minds of youth, and school resources to open the doors to opportunities.
- We believe in fighting for the rights of students of color, low-income students, immigrant students, LGBT students, and their families so that we can achieve justice in our schools.
- We believe that youth, parents, and communities deserve the power to participate in the collective pursuit of a quality education.



Developing skills and gaining a voice.

Lack of access to quality education handicaps the future of too many youth in California. CFJ challenges the unequal access to education by working to create change at the school level and the state level. CFJ student members develop solutions for problems and then run campaigns to turn those solutions into concrete action.

CFJ also leads the [Campaign for Quality Education](#), a statewide alliance of over 100 organizations which works to make policy changes that will improve schools throughout the state.

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EXHIBIT 2

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Details of Selected Credential

Name: BARNES, TASCHA

Document Title Internship Single Subject Teaching Credential**Document Number** 070327099**Authorization Code(s)** R1S

This document authorizes the holder to teach the subject area(s) listed above in grades twelve and below, including preschool, and in classes organized primarily for adults.

R142

This document authorizes the holder to provide the following services to English learners: (1) instruction for English language development in grades twelve and below, including preschool, and in classes organized primarily for adults; and (2) specially designed content instruction delivered in English in single-subject-matter (departmentalized) courses as authorized on this document. This authorization also covers classes authorized by other valid, non-emergency credentials held, as specified in Education Code Section 44253.3.

Renewal Code(s) R17

This internship credential may not be renewed. To continue to serve in a position authorized by this credential, the holder must receive a formal recommendation from the supervising college or university for the preliminary or clear credential which authorizes this service.

Issuance Date 08/22/2007**Expiration Date** 03/01/2009**Authorized Subject(s)** Science: Chemistry (Examination)**Employment Restriction(s)** OAKLAND UNIFIED SCHOOL DISTRICT

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19 Attorneys for PLAINTIFFS
20 (Additional attorneys listed on following page)

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 SONYA RENEE *et al.*,

25 Plaintiffs,

26 v.

27 MARGARET SPELLINGS, in her official capacity;
28 UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**DECLARATION OF SONYA RENEE IN
SUPPORT OF PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

Time: 9:00 a.m.

Date: April 23, 2008

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2 NICOLE E. PERROTON (SBN 233121)
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19 Attorneys for PLAINTIFFS
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DECLARATION OF SONYA RENEE

I, Sonya Renee, hereby declare:

1. The matters set forth herein are based upon my own personal knowledge, except where stated to be based upon information and belief, and if called to testify, I could and would do so competently as follows:

2. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment.

3. I reside in Los Angeles, California in the County of Los Angeles. I am a plaintiff to this action, *Renee v. Spellings*. My daughter, Candice Johnson, is also a plaintiff in this action and also resides in Los Angeles, California. I serve as Candice's *guardian ad litem*.

4. I have been a member of the Los Angeles chapter of California ACORN since February 2006.

5. My daughter Candice is a 10th grade student at Washington Prep High School in the Los Angeles Unified School District ("LAUSD").

6. During her freshman year at Washington Prep, the 2006-2007 school year, Candice was assigned Mr. Jason Perkins for English and Mr. Jaime Roman for Algebra. Both of these teachers were intern teachers when they taught Candice. True and correct copies of Mr. Perkins's and Mr. Roman's teaching credentials are attached to this declaration as Exhibit 1.

7. I would prefer that my children only be taught by teachers who have been fully certified by California. I do not believe that teachers who are still taking classes to learn how to teach and still working towards their full California teaching credentials should be considered highly qualified—either as a matter of common sense or as a matter of interpreting NCLB. Also, if any of my children are being taught by a teacher who is still in training and working towards their full certification, I want to be informed of that fact, and I don't want the school and the district to simply consider such a teacher as the equivalent of a fully trained and fully certified teacher.

8. As a result of the United States Department of Education regulation that includes within the definition of a "highly qualified" teacher someone who is currently participating in a teacher internship

1 program, it is my understanding that Washington Prep and LAUSD consider intern teachers “highly
2 qualified” and report them as such when responding to California and NCLB teacher reporting
3 requirements.

4 9. Washington Prep receives Title I funding to support academic programs for low-income
5 students. I understand that under NCLB, I am supposed to receive a notice from the school at any time
6 when my child has been taught by four or more consecutive weeks by a teacher who is not “highly
7 qualified.” I never received a notice from Washington Prep or LAUSD stating that Mr. Perkins or Mr.
8 Roman were not “highly qualified.”

9 10. It is my understanding that Washington Prep High School has a high percentage of intern
10 teachers. I am concerned that Candice—who is just a sophomore—has a good chance of being assigned
11 an intern teacher who is not “highly qualified” during one of her remaining semesters of high school.

12 11. The Department of Education regulation that I am challenging in this lawsuit harms me and
13 my daughter Candice in four ways. First, the regulation allows the continued concentration of intern
14 teachers, who are not “highly qualified,” at Washington Prep High School and in the LAUSD. Second,
15 the regulation creates a substantial likelihood that Candice will be taught by intern teachers during one
16 of her remaining semesters of high school. Third, the regulation deprives us of the benefit of state and
17 local district plans to meet NCLB’s requirement that all children have full and equal access to “highly
18 qualified” teachers in their core classes. Fourth, the regulation deprives us of accurate information about
19 non-“highly qualified” teachers teaching at Washington Prep High School and within the LAUSD. In
20 addition, of course, the regulation works a similar harm with respect to accurate information regarding
21 non-“highly qualified” teachers in California and across the country too.

22
23 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
24 correct.

25 //

26 //

1 Dated: January 17, 2008

2 /s/ signed with authorization – see Attestation
3 SONYA RENEE
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ATTESTATION OF CONCURRENCE

Pursuant to General Order No. 45(X)(B), I, the undersigned, hereby certify that I obtained concurrence by telephone from Sonya Renee to file her declaration in support of Plaintiffs' Motion for Summary Judgment.

Dated: January 17, 2008

Respectfully submitted,

A handwritten signature in black ink that reads "Tara Kini". The signature is written in a cursive, flowing style. It is positioned above a horizontal line that separates it from the printed name and firm information below.

JOHN T. AFFELDT
JENNY PEARLMAN
TARA KINI
PUBLIC ADVOCATES, INC.
Attorneys for Plaintiffs

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EXHIBIT 1

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Details of Selected Credential

Name: PERKINS, JASON FRANK

Document Title Internship Single Subject Teaching Credential

Document Number 060187187

Authorization Code(s) R1S

This document authorizes the holder to teach the subject area(s) listed above in grades twelve and below, including preschool, and in classes organized primarily for adults.

R142

This document authorizes the holder to provide the following services to English learners: (1) instruction for English language development in grades twelve and below, including preschool, and in classes organized primarily for adults; and (2) specially designed content instruction delivered in English in single-subject-matter (departmentalized) courses as authorized on this document. This authorization also covers classes authorized by other valid, non-emergency credentials held, as specified in Education Code Section 44253.3.

Renewal Code(s) R17

This internship credential may not be renewed. To continue to serve in a position authorized by this credential, the holder must receive a formal recommendation from the supervising college or university for the preliminary or clear credential which authorizes this service.

Issuance Date 08/08/2006

Expiration Date 09/01/2008

Authorized Subject(s) English (Examination)

Employment Restriction(s) LOS ANGELES UNIFIED SCHOOL DISTRICT

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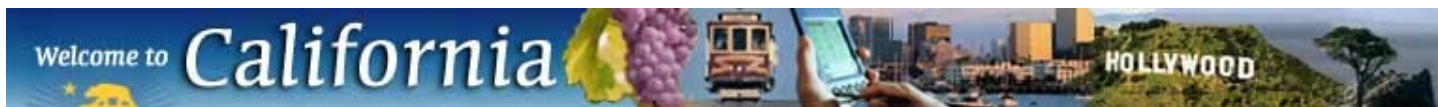
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Details of Selected Credential

Name: ROMAN, JAIME

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Document Title Internship Single Subject Teaching Credential

Document Number 060297134

Authorization Code(s) R1F

This document authorizes the holder to teach the content areas in general mathematics, algebra, geometry, probability and statistics, and consumer mathematics in grades twelve and below, including preschool, and in classes organized primarily for adults.

R142

This document authorizes the holder to provide the following services to English learners: (1) instruction for English language development in grades twelve and below, including preschool, and in classes organized primarily for adults; and (2) specially designed content instruction delivered in English in single-subject-matter (departmentalized) courses as authorized on this document. This authorization also covers classes authorized by other valid, non-emergency credentials held, as specified in Education Code Section 44253.3.

Renewal Code(s) R17

This internship credential may not be renewed. To continue to serve in a position authorized by this credential, the holder must receive a formal recommendation from the supervising college or university for the preliminary or clear credential which authorizes this service.

Issuance Date 10/10/2006

Expiration Date 11/01/2008

Authorized Subject(s) Foundational-Level Mathematics (Examination)

Employment Restriction(s) LOS ANGELES UNIFIED SCHOOL DISTRICT

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22 (Additional attorneys listed on following page)
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26 UNITED STATES DISTRICT COURT
27
28 NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SONYA RENEE *et al.*,

Plaintiffs,

v.

MARGARET SPELLINGS, in her official capacity;
UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**DECLARATION OF MARIBEL
HEREDIA IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Time: 9:00 a.m.

Date: April 23, 2008

1 PATRICK THOMPSON (SBN 160804)
2 NICOLE E. PERROTON (SBN 233121)
3 ELIZABETH F. STONE (SBN 239285)
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19 Attorneys for PLAINTIFFS
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DECLARATION OF MARIBEL HEREDIA

I, Maribel Heredia, hereby declare:

1. The matters set forth herein are based upon my own personal knowledge, except where stated to be based upon information and belief, and if called to testify, I could and would do so competently as follows:

2. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment.

3. I reside in Hayward, California in the County of Alameda. I am a plaintiff to this action, *Renee v. Spellings*. I am the mother of two children: Celeste, a fifth grade student at East Avenue Elementary School in the Hayward Unified School District ("HUSD") and Joey, a first grade student at the same school. My son, Jose "Joey" Aldana, is also a plaintiff in this action and also resides in Hayward, California. I serve as Joey's *guardian ad litem*.

4. The teacher assigned to teach my son Joey's first grade class this year (2007-2008) is Ms. Kathryn Gregory, an intern teacher. A true and correct copy of Ms. Gregory's teaching credential is attached to this declaration as Exhibit 1.

5. I would prefer that my children only be taught by teachers who have been fully certified by California. I do not believe that teachers who are still taking classes to learn how to teach and still working towards their full California teaching credentials should be considered highly qualified—either as a matter of common sense or as a matter of interpreting NCLB. Also, if any of my children are being taught by a teacher who is still in training and working towards their full certification, I want to be informed of that fact, and I don't want the school and the district to simply consider such a teacher as the equivalent of a fully trained and fully certified teacher.

6. As a result of the United States Department of Education regulation that includes within the definition of a "highly qualified" teacher someone who is currently participating in a teacher internship program, it is my understanding that East Avenue Elementary and the HUSD consider intern teachers "highly qualified" and report them as such when responding to California and NCLB teacher reporting requirements.

1 7. The Department of Education regulation that I am challenging in this lawsuit harms me and
2 my son Joey in three ways. First, the regulation allows Ms. Gregory, Joey's current first grade teacher,
3 to be hired and assigned to him and mislabeled as "highly qualified." Second, the regulation deprives us
4 of the benefit of state and local district plans to meet NCLB's requirement that all children have full and
5 equal access to "highly qualified" teachers in their core classes. Third, the regulation deprives us of
6 accurate information about non-"highly qualified" teachers teaching at East Avenue Elementary School
7 and within HUSD. In addition, of course, the regulation similarly deprives me of accurate information
8 regarding non-"highly qualified" teachers in California and across the country too.

9
10 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
11 correct.

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1 Dated: January 15, 2008

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MARIBEL HEREDIA

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EXHIBIT 1

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The application status and credential information was last updated on 01/14/2008. Please note: Upon receipt, the California Commission on Teacher Credentialing may take up to 75 working days to process an application. Local employing agencies have the flexibility to assign individuals to serve in subject areas other than those authorized on credentials. The Commission, at one time, issued documents without assigning any document number. Assigning a document number to these records was necessary to be able to display them online. The document numbering assigned to display those records will appear as "NONE1, NONE2, NONE3, etc."

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Details of Selected Credential

Name: GREGORY, KATHRYN ELIZABETH

Document Title Internship Multiple Subject Teaching Credential**Document Number** 070297251**Authorization Code(s)** R2M

This credential authorizes the holder to teach all subjects in a self-contained class and, as a self-contained classroom teacher, to team teach or to regroup students across classrooms, in grades twelve and below, including preschool, and in classes organized primarily for adults. In addition, this credential authorizes the holder to teach core classes consisting of two or more subjects to the same group of students in grades five through eight, and to teach any of the core subjects he or she is teaching to a single group of students in the same grade level as the core for less than fifty percent of his or her work day.

R242

This document authorizes the holder to provide the following services to English learners: (1) instruction for English language development in grades twelve and below, including preschool, and in classes organized primarily for adults; and (2) specially designed content instruction delivered in English in multiple-subject-matter (self-contained) classes, or single-subject-matter (departmentalized) courses as authorized by any supplementary authorization listed above. This authorization also covers classes authorized by other valid, non-emergency credentials held, as specified in Education Code Section 44253.3.

Renewal Code(s) R17

This internship credential may not be renewed. To continue to serve in a position authorized by this credential, the holder must receive a formal recommendation from the supervising college or university for the preliminary or clear credential which authorizes this service.

Issuance Date 07/16/2007**Expiration Date** 08/01/2009**Authorized Subject(s)** General Subjects (Examination)**Employment Restriction(s)** HAYWARD UNIFIED SCHOOL DISTRICT[< Return to Summary](#)[New Search](#)[Top of Page](#)

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Attorneys for PLAINTIFFS
(Additional attorneys listed on following page)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SONYA RENEE *et al.*,

Plaintiffs,

v.

MARGARET SPELLINGS, in her official capacity;
UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**DECLARATION OF N. DOE IN
SUPPORT OF PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

Time: 9:00 a.m.

Date: April 23, 2008

DOCUMENT SUBMITTED UNDER SEAL

PATRICK THOMPSON (SBN 160804)
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DOCUMENT SUBMITTED UNDER SEAL

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20 (Additional attorneys listed on following page)

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 SONYA RENEE *et al.*,

25 Plaintiffs,

26 v.

27 MARGARET SPELLINGS, in her official capacity;
28 UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**DECLARATION OF [REDACTED] IN
SUPPORT OF PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

Time: 9:00 a.m.

Date: April 23, 2008

1 PATRICK THOMPSON (SBN 160804)
2 NICOLE E. PERROTON (SBN 233121)
3 ELIZABETH F. STONE (SBN 239285)
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19 Attorneys for PLAINTIFFS
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DECLARATION OF [REDACTED]

I, [REDACTED], hereby declare:

1. The matters set forth herein are based upon my own personal knowledge, except where stated to be based upon information and belief, and if called to testify, I could and would do so competently as follows:

2. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment.

3. I reside in Hayward, California in the County of Alameda. I am a plaintiff to this action, *Renee v. Spellings*. My 7 year old daughter [REDACTED], identified in this action as B. Doe to protect her identity, is also a plaintiff in this action and also resides in Hayward, California. I serve as [REDACTED]'s *guardian ad litem*.

4. My daughter [REDACTED] is a second grade student at Longwood Elementary School in the Hayward Unified School District ("HUSD"). The teacher assigned to teach her class this year (2007-2008) is Ms. Ruth Holguin, an intern teacher. A true and correct copy of Ms. Holguin's teaching credential is attached to this declaration as Exhibit 1.

5. Last year, Ms. Holguin used to the work in the office at my daughter's school and was not a teacher at all.

6. I would prefer that my children only be taught by teachers who have been fully certified by California. I do not believe that teachers who are still taking classes to learn how to teach and still working towards their full California teaching credentials should be considered "highly qualified"—either as a matter of common sense or as a matter of interpreting NCLB. Also, if any of my children are being taught by a teacher who is still in training and working towards her full certification, I want to be informed of that fact, and I don't want the school and the district to simply consider such a teacher as the equivalent of a fully trained and fully certified teacher.

7. Longwood Elementary is a school that receives Title I funding to support academic programs for low-income students. I understand that under NCLB, I am supposed to receive a notice from the school at any time when my child has been taught by four or more consecutive weeks by a teacher who

1 is not “highly qualified.” I have never received a notice from Longwood Elementary School or HUSD
2 stating that Ms. Holguin is not “highly qualified.”

3 8. As a result of the United States Department of Education regulation that includes within the
4 definition of a “highly qualified” teacher someone who is currently participating in a teacher internship
5 program, Longwood Elementary School and HUSD consider Ms. Holguin “highly qualified” and report
6 her as “highly qualified” when responding to California and NCLB teacher reporting requirements.

7 9. This Department of Education regulation, which I am challenging in this lawsuit, harms my
8 daughter [REDACTED] and me in three ways. First, the regulation allows Ms. Holguin,
9 [REDACTED]’s current second grade teacher, to be hired and assigned to her and mislabeled as
10 “highly qualified.” Second, the regulation deprives us of the benefit of state and local district plans to
11 meet NCLB’s requirement that all children have full and equal access to “highly qualified” teachers in
12 their core classes. Third, the regulation deprives us of accurate information about non-“highly
13 qualified” teachers teaching at Longwood Elementary School and within HUSD, including a letter
14 informing me that my daughter [REDACTED] has been taught for four or more consecutive weeks
15 by a teacher who is not “highly qualified.” In addition, of course, the regulation similarly deprives me
16 of accurate information regarding non-“highly qualified” teachers in California and across the country
17 too.

18
19 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
20 correct.

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1 Dated: January 15, 2008

2
3 [REDACTED]
4 [REDACTED]

INTERPRETER'S DECLARATION

Deisy Bates declares:

1. I am fluent in English and Spanish, and over the age of 18. I am not a party to this action.
2. I accurately interpreted the document entitled, "Declaration of [REDACTED] In Support of Plaintiffs' Motion for Summary Judgment" from English to Spanish for [REDACTED].

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: January 15, 2008


DEISY BATES

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Details of Selected Credential

Name: HOLGUIN, RUTH P.

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Document Title Internship Multiple Subject Teaching Credential

Document Number 070309751

Authorization Code(s) R2B4

This document authorizes the holder to provide the following services to English learners: (1) instruction for English language development in grades twelve and below, including preschool, and in classes organized primarily for adults; (2) specially designed content instruction delivered in English in multiple-subject-matter (self-contained) classes, or single-subject-matter (departmentalized) courses as authorized by any supplementary authorization listed above; (3) content instruction delivered in the language of emphasis listed above in multiple-subject-matter (self-contained) classes, or single-subject-matter (departmentalized) courses as authorized by any supplementary authorization listed above; and (4) instruction for primary language development in the language of emphasis listed above in grades twelve and below, including preschool, and in classes organized primarily for adults. This bilingual, crosscultural, language and academic development authorization also covers classes authorized by other valid, non-emergency credentials held, as specified in Education Code Section 44253.4.

R2M

This credential authorizes the holder to teach all subjects in a self-contained class and, as a self-contained classroom teacher, to team teach or to regroup students across classrooms, in grades twelve and below, including preschool, and in classes organized primarily for adults. In addition, this credential authorizes the holder to teach core classes consisting of two or more subjects to the same group of students in grades five through eight, and to teach any of the core subjects he or she is teaching to a single group of students in the same grade level as the core for less than fifty percent of his or her work day.

Renewal Code(s) R17

This internship credential may not be renewed. To continue to serve in a position authorized by this credential, the holder must receive a formal recommendation from the supervising college or university for the preliminary or clear credential which authorizes this service.

Issuance Date 08/24/2007

Expiration Date 09/01/2009

Authorized Subject(s) BCLAD: Spanish

General Subjects (Examination)

Employment Restriction(s) HAYWARD UNIFIED SCHOOL DISTRICT

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19 Attorneys for PLAINTIFFS
20 (Additional attorneys listed on following page)

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 SONYA RENEE *et al.*,

25 Plaintiffs,

26 v.

27 MARGARET SPELLINGS, in her official capacity;
28 UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**DECLARATION OF MARIEL RUBIO
IN SUPPORT OF PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT**

Time: 9:00 a.m.

Date: April 23, 2008

1 PATRICK THOMPSON (SBN 160804)
2 NICOLE E. PERROTON (SBN 233121)
3 ELIZABETH F. STONE (SBN 239285)
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17 Attorneys for PLAINTIFFS
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DECLARATION OF MARIEL RUBIO

I, Mariel Rubio, hereby declare:

1. The matters set forth herein are based upon my own personal knowledge, except where stated to be based upon information and belief, and if called to testify, I could and would do so competently as follows:

2. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment.

3. I reside in Hawthorne, California in the County of Los Angeles. I am a plaintiff to this action, *Renee v. Spellings*. My two daughters, Danielle and Stephanie, are also plaintiffs in this action and also reside in Hawthorne, California. I serve as their *guardian ad litem*.

4. My daughter Danielle Rubio is an 11th grade student at Hawthorne High School in the Centinela Valley Union High School District ("CVUHSD"). My daughter Stephanie is a 9th grade student at Hawthorne.

5. From October 2006-June 2007, during most of her sophomore year, Danielle attended Lawndale High School. At Lawndale, Danielle was assigned Ms. Erika Magaña for Spanish for first and second semesters, and Mr. Strawn Holmes for English for second semester. Both of these teachers were intern teachers when they taught Danielle. A true and correct copy of Mr. Holmes' teaching credential is attached to this declaration as Exhibit 1. Ms. Magaña obtained her preliminary credential on October 1, 2007, a true and correct copy of which is attached to this declaration as Exhibit 2. According to my information and belief, Ms. Magaña was an intern teacher during the 2006-2007 school year.

6. For the 2005-2006 school year (her freshman year), and from September 2006-October 2006, Danielle attended Hawthorne High School. During 2005-2006, Danielle was assigned Mr. Jose Sustaita for Spanish. His teaching credential information on the CTC website this past summer showed that he had an intern credential for Spanish that was due to expire in September 2007. He currently has no valid credential listed on the CTC website. (A true and correct copy of the only document on the CTC website for Jose Sustaita is attached to this declaration as Exhibit 3.)

1 7. I would prefer that my children only be taught by teachers who have been fully certified by
2 California. I do not believe that teachers who are still taking classes to learn how to teach and still
3 working towards their full California teaching credentials should be considered highly qualified—either
4 as a matter of common sense or as a matter of interpreting NCLB. Also, if any of my children are being
5 taught by a teacher who is still in training and working towards their full certification, I want to be
6 informed of that fact, and I don't want the school and the district to simply consider such a teacher as the
7 equivalent of a fully trained and fully certified teacher.

8 8. As a result of the United States Department of Education regulation that includes within the
9 definition of a "highly qualified" teacher someone who is currently participating in a teacher internship
10 program, it is my understanding that Lawndale, Hawthorne, and the CVUHSD consider intern teachers
11 "highly qualified" and report them as such when responding to California and NCLB teacher reporting
12 requirements.

13 9. Both Lawndale and Hawthorne receive Title I funding to support academic programs for
14 low-income students. I understand that under NCLB, I am supposed to receive a notice from the school
15 at any time when my child has been taught by four or more consecutive weeks by a teacher who is not
16 "highly qualified." I never received a notice from Lawndale, Hawthorne or CVUHSD stating that Ms.
17 Magaña, Mr. Holmes, or Mr. Sustaita were not "highly qualified."

18 10. It is my understanding that both Lawndale and Hawthorne High Schools have a high
19 percentage of intern teachers. I am concerned that Danielle and Stephanie—who is just a freshman—
20 have a good chance of being assigned an intern teacher who is not "highly qualified" during one of their
21 remaining semesters of high school.

22 11. The Department of Education regulation that I am challenging in this lawsuit harms me my
23 daughters Danielle and Stephanie in four ways. First, the regulation allows the continued concentration
24 of intern teachers, who are not "highly qualified," at Lawndale and Hawthorne High Schools and in the
25 CVUHSD. Second, the regulation creates a substantial likelihood that my daughters will be taught by
26 intern teachers during one of their remaining semesters of high school. Third, the regulation deprives us
27

1 of the benefit of state and local district plans to meet NCLB's requirement that all children have full and
2 equal access to "highly qualified" teachers in their core classes. Fourth, the regulation deprives us of
3 accurate information about non-"highly qualified" teachers teaching at Lawndale and Hawthorne High
4 Schools, and within the CVUHSD. In addition, of course, the regulation works a similar harm with
5 respect to accurate information regarding non-"highly qualified" teachers in California and across the
6 country too.

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8 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
9 correct.

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1 Dated: January 14, 2008

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3 Mariel Rubio
4 MARIEL RUBIO
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Details of Selected Credential

Name: HOLMES, STRAWN TEAGUE**Document Title** District Intern Credential**Document Number** 070375668**Authorization Code(s)** R9

This credential authorizes the holder to teach single-subject-matter (departmentalized) courses within the authorized field or fields named above in grades six through twelve.

D142

This certificate authorizes the holder to provide the following services to English learners in grades six through twelve: (1) instruction for English language development; and (2) specially designed content instruction delivered in English within the field or fields named above.

Renewal Code(s) R29

This certificate is not renewable. To continue to serve in a position authorized by this certificate, the holder must complete the district intern program and obtain the preliminary credential. A one calendar-year extension may be requested by the employer if the holder needs additional time to successfully complete the professional development plan and experience requirements.

Issuance Date 12/06/2007**Expiration Date** 02/01/2009**Authorized Subject(s)** English (Examination)**Employment Restriction(s)** CENTINELA VALLEY UNION HIGH SCHOOL DISTRICT[< Return to Summary](#)[New Search](#)[Top of Page](#)

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28

EXHIBIT 2

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Tuesday, January 15, 2008



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Details of Selected Credential

Name: MAGANA, ERIKA ARLETTE

Document Title Preliminary Single Subject Teaching Credential

Document Number 070368036

Authorization Code(s) R1S

This document authorizes the holder to teach the subject area(s) listed above in grades twelve and below, including preschool, and in classes organized primarily for adults.

R142

This document authorizes the holder to provide the following services to English learners: (1) instruction for English language development in grades twelve and below, including preschool, and in classes organized primarily for adults; and (2) specially designed content instruction delivered in English in single-subject-matter (departmentalized) courses as authorized on this document. This authorization also covers classes authorized by other valid, non-emergency credentials held, as specified in Education Code Section 44253.3.

Renewal Code(s) R14I

This credential may not be renewed. To qualify for the clear credential, the holder of this document must complete a Commission-approved Induction program including Verification of Completion by the program sponsor.

Issuance Date 10/01/2007

Expiration Date 11/01/2012

Authorized Subject(s) Foreign Language: Spanish

[< Return to Summary](#)

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[Top of Page](#)

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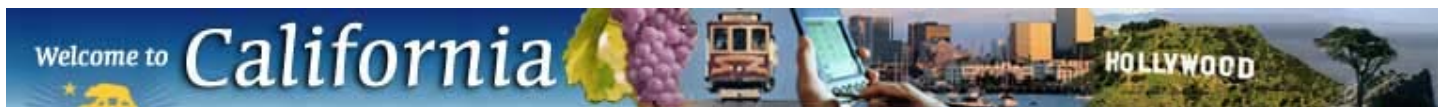
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EXHIBIT 3

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The application status and credential information was last updated on 01/14/2008. Please note: Upon receipt, the California Commission on Teacher Credentialing may take up to 75 working days to process an application. Local employing agencies have the flexibility to assign individuals to serve in subject areas other than those authorized on credentials. The Commission, at one time, issued documents without assigning any document number. Assigning a document number to these records was necessary to be able to display them online. The document numbering assigned to display those records will appear as "NONE1, NONE2, NONE3, etc."

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\(Renewal Only\)](#)[Track Payment
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Details of Selected Credential

Name: SUSTAITA, JOSE VICENTE

Document Title Certificate of Clearance**Document Number** 040111199**Issuance Date** 05/17/2004[Start the IHE Login Page](#)[Start the Student Applicant
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21 Attorneys for PLAINTIFFS
22 (Additional attorneys listed on following page)
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SONYA RENEE *et al.*,

Plaintiffs,

v.

MARGARET SPELLINGS, in her official capacity;
UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**DECLARATION OF GUADALUPE
GÓNZALEZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Time: 9:00 a.m.

Date: April 23, 2008

1 PATRICK THOMPSON (SBN 160804)
2 NICOLE E. PERROTON (SBN 233121)
3 ELIZABETH F. STONE (SBN 239285)
4 GOODWIN PROCTER LLP
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DECLARATION OF GUADALUPE GONZALEZ

I, Guadalupe Gonzalez, hereby declare:

1. The matters set forth herein are based upon my own personal knowledge, except where stated to be based upon information and belief, and if called to testify, I could and would do so competently as follows:

2. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment.

3. I reside in Los Angeles, California in the County of Los Angeles. I am a member of the Los Angeles chapter of California ACORN. I am a plaintiff to this action, *Renee v. Spellings*. My daughter, Daisy Gonzalez, is also a plaintiff in this action and also resides in Los Angeles, California. I serve as Daisy's *guardian ad litem*.

4. My daughter Daisy is a 10th grade student at New Tech High School, a small learning community within Jefferson High School in the Los Angeles Unified School District ("LAUSD").

5. I would prefer that my child only be taught by teachers who have been fully certified by California. I do not believe that teachers who are still taking classes to learn how to teach and still working towards their full California teaching credentials should be considered highly qualified—either as a matter of common sense or as a matter of interpreting NCLB. Also, if my child is being taught by a teacher who is still in training and working towards their full certification, I want to be informed of that fact, and I don't want the school and the district to simply consider such a teacher as the equivalent of a fully trained and fully certified teacher.

6. As a result of the United States Department of Education regulation that includes within the definition of a "highly qualified" teacher someone who is currently participating in a teacher internship program, it is my understanding that New Tech High School, Jefferson High School, and LAUSD consider intern teachers "highly qualified" and report them as such when responding to California and NCLB teacher reporting requirements.

1 7. It is my understanding that Jefferson High School has a high percentage of intern teachers. I
2 am concerned that Daisy—who is just a sophomore—has a good chance of being assigned an intern
3 teacher who is not “highly qualified” during one of her remaining semesters of high school.

4 8. The Department of Education regulation that I am challenging in this lawsuit harms me and
5 my daughter Daisy in four ways. First, the regulation allows the continued concentration of intern
6 teachers, who are not “highly qualified,” at Jefferson High School and in the LAUSD. Second, the
7 regulation creates a substantial likelihood that Daisy will be taught by intern teachers during one of her
8 remaining semesters of high school. Third, the regulation deprives us of the benefit of state and local
9 district plans to meet NCLB’s requirement that all children have full and equal access to “highly
10 qualified” teachers in their core classes. Fourth, the regulation deprives us of accurate information about
11 non-“highly qualified” teachers teaching at Jefferson High School and within the LAUSD. In addition,
12 of course, the regulation works a similar harm with respect to accurate information regarding non-
13 “highly qualified” teachers in California and across the country too.

14
15 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
16 correct.

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Dated: January 14, 2008


GUADALUPE GONZALEZ

1 JOHN T. AFFELDT (SBN 154430)
2 JENNY PEARLMAN (SBN 224879)
3 TARA KINI (SBN 239093)
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21 Attorneys for PLAINTIFFS
22 (Additional attorneys listed on following page)
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SONYA RENEE *et al.*,

Plaintiffs,

v.

MARGARET SPELLINGS, in her official capacity;
UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**DECLARATION OF JAZMINE
JOHNSON IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Time: 9:00 a.m.

Date: April 23, 2008

1 PATRICK THOMPSON (SBN 160804)
2 NICOLE E. PERROTON (SBN 233121)
3 ELIZABETH F. STONE (SBN 239285)
4 GOODWIN PROCTER LLP
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19 Attorneys for PLAINTIFFS
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DECLARATION OF JAZMINE JOHNSON

I, Jazmine Johnson, hereby declare:

1. The matters set forth herein are based upon my own personal knowledge, except where stated to be based upon information and belief, and if called to testify, I could and would do so competently as follows:

2. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment.

3. I reside in Richmond, California in the County of Contra Costa. I am a plaintiff to this action, *Renee v. Spellings*.

4. I am an 11th grade student at Richmond High School in the West Contra Costa Unified School District ("WCCUSD"). During my sophomore year, the 2006-2007 school year, Ms. Jessica Price taught my English class. Ms. Price was an intern teacher when she taught me. A true and correct copy of Ms. Price's teaching credential for last year is attached to this declaration as Exhibit 1.

5. According to my information and belief, during my freshman year, the 2005-2006 school year, three of my teachers were interns. Mr. Joshua Hastings taught my Geography class; Ms. Julia Gomes De Mattos taught my Spanish class; and Ms. Annie McPheeters taught my English class. Mr. Hastings and Ms. De Mattos have since then obtained their full teaching credentials, true and correct copies of which are attached to this declaration as Exhibit 2. I could not locate any credential information for Ms. McPheeters on the website of the California Commission on Teacher Credentialing.

6. I would prefer to only be taught by teachers who have been fully certified by the state of California. I do not believe that teachers who are still taking classes to learn how to teach and still working towards their full California teaching credentials should be considered "highly qualified."

7. It is my understanding that Richmond High School has a high percentage of intern teachers. I am concerned that I have a good chance of being assigned an intern teacher who is not "highly qualified" during one of my remaining semesters of high school.

8. As a result of the United States Department of Education regulation that includes within the definition of a "highly qualified" teacher someone who is currently participating in a teacher internship

1 program, Richmond High School and WCCUSD considered Ms. Price, Mr. Hastings, Ms. De Mattos,
2 and Ms. McPheeters “highly qualified” when they taught me and reported them as “highly qualified”
3 when responding to California and NCLB teacher reporting requirements for the 2006-2007 and 2005-
4 2006 school years.

5 9. This Department of Education regulation, which I am challenging in this lawsuit, harms me
6 in four ways. First, the regulation allows the continued concentration of intern teachers, who are not
7 “highly qualified,” at Richmond High School and in the WCCUSD. Second, the regulation creates a
8 substantial likelihood that I will be taught again by intern teachers during one of my remaining
9 semesters of high school. Third, the regulation deprives me of the benefit of state and local district plans
10 to meet NCLB’s requirement that all children have full and equal access to “highly qualified” teachers in
11 their core classes. Fourth, the regulation deprives me of accurate information about non-“highly
12 qualified” teachers teaching at Richmond High School and within WCCUSD. In addition, of course, the
13 regulation similarly deprives me of accurate information regarding non-“highly qualified” teachers in
14 California and across the country too.

15
16 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
17 correct.

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Dated: January 17, 2008

/s/ signed with authorization – see Attestation
JAZMINE JOHNSON

ATTESTATION OF CONCURRENCE

Pursuant to General Order No. 45(X)(B), I, the undersigned, hereby certify that I obtained concurrence by telephone and electronic mail from Jazmine Johnson to file her declaration in support of Plaintiffs' Motion for Summary Judgment.

Dated: January 17, 2008

Respectfully submitted,

A handwritten signature in black ink that reads "Tara Kini". The signature is written in a cursive, flowing style. It is positioned above a horizontal line that separates it from the printed name and firm information below.

JOHN T. AFFELDT
JENNY PEARLMAN
TARA KINI
PUBLIC ADVOCATES, INC.
Attorneys for Plaintiffs

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EXHIBIT 1

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Tuesday, January 15, 2008 Friday, January 11, 2008



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The application status and credential information was last updated on 01/11/2008. Please note: Upon receipt, the California Commission on Teacher Credentialing may take up to 75 working days to process an application. Local employing agencies have the flexibility to assign individuals to serve in subject areas other than those authorized on credentials. The Commission, at one time, issued documents without assigning any document number. Assigning a document number to these records was necessary to be able to display them online. The document numbering assigned to display those records will appear as "NONE1, NONE2, NONE3, etc."

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Details of Selected Credential

Name: PRICE, JESSICA MARIE

Document Title Internship Single Subject Teaching Credential

Document Number 060212198

Authorization Code(s) R1S

This document authorizes the holder to teach the subject area(s) listed above in grades twelve and below, including preschool, and in classes organized primarily for adults.

R142

This document authorizes the holder to provide the following services to English learners: (1) instruction for English language development in grades twelve and below, including preschool, and in classes organized primarily for adults; and (2) specially designed content instruction delivered in English in single-subject-matter (departmentalized) courses as authorized on this document. This authorization also covers classes authorized by other valid, non-emergency credentials held, as specified in Education Code Section 44253.3.

Renewal Code(s) R17

This internship credential may not be renewed. To continue to serve in a position authorized by this credential, the holder must receive a formal recommendation from the supervising college or university for the preliminary or clear credential which authorizes this service.

Issuance Date 08/23/2006

Expiration Date 09/01/2008

Authorized Subject(s) English (Examination)

Employment Restriction(s) WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

[< Return to Summary](#)

[< Return to Summary](#)

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[Top of Page](#)

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28

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Details of Selected Credential

Name: HASTINGS, JOSHUA A.

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Document Title Preliminary Single Subject Teaching Credential

Document Number 060170503

Authorization Code(s) R1S

This document authorizes the holder to teach the subject area(s) listed above in grades twelve and below, including preschool, and in classes organized primarily for adults.

R142

This document authorizes the holder to provide the following services to English learners: (1) instruction for English language development in grades twelve and below, including preschool, and in classes organized primarily for adults; and (2) specially designed content instruction delivered in English in single-subject-matter (departmentalized) courses as authorized on this document. This authorization also covers classes authorized by other valid, non-emergency credentials held, as specified in Education Code Section 44253.3.

Renewal Code(s) R14I

This credential may not be renewed. To qualify for the clear credential, the holder of this document must complete a Commission-approved Induction program including Verification of Completion by the program sponsor.

Issuance Date 06/10/2006

Expiration Date 07/01/2011

Authorized Subject(s) Social Science (Examination)

[< Return to Summary](#)

[< Return to Summary](#)

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[Top of Page](#)

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Details of Selected Credential

Name: GOMES DE MATTOS, JULIA

Document Title Preliminary Single Subject Teaching Credential

Document Number 070349024

Authorization Code(s) R1S

This document authorizes the holder to teach the subject area(s) listed above in grades twelve and below, including preschool, and in classes organized primarily for adults.

SMAA

This credential authorizes the holder to teach courses in the specific subject or subjects named above in departmentalized classes in grades preschool and K-12 or in classes organized primarily for adults.

R142

This document authorizes the holder to provide the following services to English learners: (1) instruction for English language development in grades twelve and below, including preschool, and in classes organized primarily for adults; and (2) specially designed content instruction delivered in English in single-subject-matter (departmentalized) courses as authorized on this document. This authorization also covers classes authorized by other valid, non-emergency credentials held, as specified in Education Code Section 44253.3.

Renewal Code(s) R14I

This credential may not be renewed. To qualify for the clear credential, the holder of this document must complete a Commission-approved Induction program including Verification of Completion by the program sponsor.

Issuance Date 06/16/2007

Expiration Date 07/01/2012

Authorized Subject(s) Foreign Language: Spanish (Examination)

**Supplementary Authorized
Subject(s)** Literature

[Top of Page](#)

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21 Attorneys for PLAINTIFFS
22 (Additional attorneys listed on following page)
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SONYA RENEE *et al.*,

Plaintiffs,

v.

MARGARET SPELLINGS, in her official capacity;
UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**DECLARATION OF ADRIANA
RAMIREZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Time: 9:00 a.m.

Date: April 23, 2008

1 PATRICK THOMPSON (SBN 160804)
2 NICOLE E. PERROTON (SBN 233121)
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19 Attorneys for PLAINTIFFS
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DECLARATION OF ADRIANA RAMIREZ

I, Adriana Ramirez, hereby declare:

1. The matters set forth herein are based upon my own personal knowledge, except where stated to be based upon information and belief, and if called to testify, I could and would do so competently as follows:

2. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment.

3. I reside in Richmond, California in the County of Contra Costa. I am a plaintiff to this action, *Renee v. Spellings*.

4. I am an 11th grade student at Richmond High School in the West Contra Costa Unified School District ("WCCUSD"). During my sophomore year, two of my teachers were interns. During the 2006-2007 school year, Ms. Jessica Price taught my English class. A true and correct copy of Ms. Price's teaching credential for last year is attached to this declaration as Exhibit 1. During the 2006-2007 school year, Ms. Julia Gomes De Mattos taught my Spanish class. A true and correct copy of Ms. De Mattos's teaching credential for last year is attached to this declaration as Exhibit 2.

5. I would prefer to only be taught by teachers who have been fully certified by the state of California. I do not believe that teachers who are still taking classes to learn how to teach and still working towards their full California teaching credentials should be considered "highly qualified."

6. It is my understanding that Richmond High School has a high percentage of intern teachers. I am concerned that I have a good chance of being assigned an intern teacher who is not "highly qualified" during one of my remaining semesters of high school.

7. As a result of the United States Department of Education regulation that includes within the definition of a "highly qualified" teacher someone who is currently participating in a teacher internship program, Richmond High School and WCCUSD considered Ms. Price and Ms. De Mattos "highly qualified" and reported them as "highly qualified" when responding to California and NCLB teacher reporting requirements.

1 8. This Department of Education regulation, which I am challenging in this lawsuit, harms me
2 in four ways. First, the regulation allows the continued concentration of intern teachers, who are not
3 “highly qualified,” at Richmond High School and in the WCCUSD. Second, the regulation creates a
4 substantial likelihood that I will be taught again by intern teachers during one of my remaining
5 semesters of high school. Third, the regulation deprives me of the benefit of state and local district plans
6 to meet NCLB’s requirement that all children have full and equal access to “highly qualified” teachers in
7 their core classes. Fourth, the regulation deprives me of accurate information about non-“highly
8 qualified” teachers teaching at Richmond High School and within WCCUSD. In addition, of course, the
9 regulation similarly deprives me of accurate information regarding non-“highly qualified” teachers in
10 California and across the country too.

11
12 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
13 correct.

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Dated: January 15, 2008


ADRIANA RAMIREZ

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EXHIBIT 1

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Details of Selected Credential

Name: PRICE, JESSICA MARIE

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Document Title Internship Single Subject Teaching Credential

Document Number 060212198

Authorization Code(s) R1S

This document authorizes the holder to teach the subject area(s) listed above in grades twelve and below, including preschool, and in classes organized primarily for adults.

R142

This document authorizes the holder to provide the following services to English learners: (1) instruction for English language development in grades twelve and below, including preschool, and in classes organized primarily for adults; and (2) specially designed content instruction delivered in English in single-subject-matter (departmentalized) courses as authorized on this document. This authorization also covers classes authorized by other valid, non-emergency credentials held, as specified in Education Code Section 44253.3.

Renewal Code(s) R17

This internship credential may not be renewed. To continue to serve in a position authorized by this credential, the holder must receive a formal recommendation from the supervising college or university for the preliminary or clear credential which authorizes this service.

Issuance Date 08/23/2006

Expiration Date 09/01/2008

Authorized Subject(s) English (Examination)

Employment Restriction(s) WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

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28

EXHIBIT 2

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Details of Selected Credential

Name: GOMES DE MATTOS, JULIA

Document Title Internship Single Subject Teaching Credential

Document Number 060247416

Authorization Code(s) R1S

This document authorizes the holder to teach the subject area(s) listed above in grades twelve and below, including preschool, and in classes organized primarily for adults.

R142

This document authorizes the holder to provide the following services to English learners: (1) instruction for English language development in grades twelve and below, including preschool, and in classes organized primarily for adults; and (2) specially designed content instruction delivered in English in single-subject-matter (departmentalized) courses as authorized on this document. This authorization also covers classes authorized by other valid, non-emergency credentials held, as specified in Education Code Section 44253.3.

Renewal Code(s) R17

This internship credential may not be renewed. To continue to serve in a position authorized by this credential, the holder must receive a formal recommendation from the supervising college or university for the preliminary or clear credential which authorizes this service.

Issuance Date 08/23/2006

Expiration Date 09/01/2008

Authorized Subject(s) Foreign Language: Spanish (Examination)

Employment Restriction(s) WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

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Attorneys for PLAINTIFFS
(Additional attorneys listed on following page)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SONYA RENEE *et al.*,

Plaintiffs,

v.

MARGARET SPELLINGS, in her official capacity;
UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**DECLARATION OF JANE DOE IN
SUPPORT OF PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

Time: 9:00 a.m.

Date: April 23, 2008

DOCUMENT SUBMITTED UNDER SEAL

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19 Attorneys for PLAINTIFFS
20 (Additional attorneys listed on following page)

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 SONYA RENEE *et al.*,

25 Plaintiffs,

26 v.

27 MARGARET SPELLINGS, in her official capacity;
28 UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**DECLARATION OF [REDACTED]
IN SUPPORT OF PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT**

Time: 9:00 a.m.

Date: April 23, 2008

DOCUMENT SUBMITTED UNDER SEAL

DECL. OF [REDACTED] IN SUPPORT OF PLAINTIFFS' MTN FOR SUMMARY JUDGMENT
CASE NO. 07-04299 PJH

1 PATRICK THOMPSON (SBN 160804)
2 NICOLE E. PERROTON (SBN 233121)
3 ELIZABETH F. STONE (SBN 239285)
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17 Attorneys for PLAINTIFFS
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27 **DOCUMENT SUBMITTED UNDER SEAL**
28

DECL. OF [REDACTED] IN SUPPORT OF PLAINTIFFS' MTN FOR SUMMARY JUDGMENT
CASE NO. 07-04299 PJH

DECLARATION OF [REDACTED]

I, [REDACTED], hereby declare:

1. The matters set forth herein are based upon my own personal knowledge, except where stated to be based upon information and belief, and if called to testify, I could and would do so competently as follows:

2. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment.

3. I reside in Richmond, California in the County of Contra Costa. I am a plaintiff to this action, *Renee v. Spellings*. I am identified as Jane Doe in this action to protect my identity.

4. I am an 11th grade student at Richmond High School in the West Contra Costa Unified School District ("WCCUSD"). The teacher assigned to teach my Biology class this year (2007-2008) is Ms. Lorna McClellan, an intern teacher. A true and correct copy of Ms. McClellan's teaching credential is attached to this declaration as Exhibit 1.

5. Last year, the teacher assigned to teach one of my two English classes was Ms. Jessica Price. Ms. Price was an intern teacher last year. A true and correct copy of the teaching credential Ms. Price held last year is attached to this declaration as Exhibit 2. The class Ms. Price taught me was to prepare me for the English/Language Arts section of the California High School Exit Exam, a test I must pass in order to graduate from high school. I have not yet passed this exam.

6. I would prefer to only be taught by teachers who have been fully certified by the state of California. I do not believe that teachers who are still taking classes to learn how to teach and still working towards their full California teaching credentials should be considered "highly qualified."

7. It is my understanding that Richmond High School has a high percentage of intern teachers. I am concerned that I have a good chance of being assigned an intern teacher who is not "highly qualified" during one of my remaining semesters of high school.

8. As a result of the United States Department of Education regulation that includes within the definition of a "highly qualified" teacher someone who is currently participating in a teacher internship

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1 program, it is my understanding that Richmond High School and WCCUSD consider Ms. McClellan
2 “highly qualified” and report her as “highly qualified” when responding to California and NCLB teacher
3 reporting requirements. It is my understanding that last year my high school and district also considered
4 Ms. Price “highly qualified” and reported her this way.

5 9. This Department of Education regulation, which I am challenging in this lawsuit, harms me
6 in five ways. First, the regulation allows Ms. McClellan, my current Biology teacher, to be hired and
7 assigned to me and mislabeled as “highly qualified.” Second, the regulation allows the continued
8 concentration of intern teachers, who are not “highly qualified,” at Richmond High School and in the
9 WCCUSD. Third, the regulation creates a substantial likelihood that I will be taught again by intern
10 teachers during one of my remaining semesters of high school. Fourth, the regulation deprives me of the
11 benefit of state and local district plans to meet NCLB’s requirement that all children have full and equal
12 access to “highly qualified” teachers in their core classes. Fifth, the regulation deprives me of accurate
13 information about non-“highly qualified” teachers teaching at Richmond High School and within
14 WCCUSD. In addition, of course, the regulation similarly deprives me of accurate information
15 regarding non-“highly qualified” teachers in California and across the country too.

16
17 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
18 correct.

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27 **DOCUMENT SUBMITTED UNDER SEAL**

Dated: January 16, 2008

/s/ signed with authorization – see Attestation
[REDACTED]

DOCUMENT SUBMITTED UNDER SEAL

3

DECL. OF [REDACTED] IN SUPPORT OF PLAINTIFFS' MTN FOR SUMMARY JUDGMENT
CASE NO. 07-04299 PJH

ATTESTATION OF CONCURRENCE

Pursuant to General Order No. 45(X)(B), I, the undersigned, hereby certify that I obtained concurrence by telephone and electronic mail from [REDACTED] to file her declaration in support of Plaintiffs' Motion for Summary Judgment.

Dated: January 17, 2008

Respectfully submitted,



JOHN T. AFFELDT
JENNY PEARLMAN
TARA KINI
PUBLIC ADVOCATES, INC.
Attorneys for Plaintiffs

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Details of Selected Credential

Name: MCCLELLAN, LORNA KATHLEEN

Document Title Internship Single Subject Teaching Credential**Document Number** 060218714**Authorization Code(s)** R1S

This document authorizes the holder to teach the subject area(s) listed above in grades twelve and below, including preschool, and in classes organized primarily for adults.

R142

This document authorizes the holder to provide the following services to English learners: (1) instruction for English language development in grades twelve and below, including preschool, and in classes organized primarily for adults; and (2) specially designed content instruction delivered in English in single-subject-matter (departmentalized) courses as authorized on this document. This authorization also covers classes authorized by other valid, non-emergency credentials held, as specified in Education Code Section 44253.3.

Renewal Code(s) R17

This internship credential may not be renewed. To continue to serve in a position authorized by this credential, the holder must receive a formal recommendation from the supervising college or university for the preliminary or clear credential which authorizes this service.

Issuance Date 08/15/2006**Expiration Date** 09/01/2008**Authorized Subject(s)** Science: Biological Sciences (Examination)**Employment Restriction(s)** WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

< Return to Summary

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2
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27
28

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Details of Selected Credential

Name: PRICE, JESSICA MARIE

Document Title Internship Single Subject Teaching Credential

Document Number 060212198

Authorization Code(s) R1S

This document authorizes the holder to teach the subject area(s) listed above in grades twelve and below, including preschool, and in classes organized primarily for adults.

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Issuance Date 08/23/2006

Expiration Date 09/01/2008

Authorized Subject(s) English (Examination)

Employment Restriction(s) WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

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